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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 30th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 10 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF SAUDI ARABIA

1. Prince Torki Ben Mohammed Ben SAUD AL-KABEER (Saudi Arabia) said that the purpose of the Commission was to enhance the status of the human person whom God had created and exalted. Successive ages had witnessed manifestations of man's injustice to man. The third millennium must be welcomed with optimism and unanimous agreement that human rights were a non-negotiable objective towards which all States must strive together.

2. Despite the progress made over the past 50 years in the development of international human rights mechanisms, grave violations of human rights persisted in many parts of the world. There was a need to develop current human rights concepts with reference to the humanitarian values enshrined in the various religions, civilizations and cultures of the world. Islam, like other religions, was clearly playing a leading role in that regard, since it continued to enrich the concepts of human rights through its noble moral values and principles and its comprehensive way of life, in which rights and obligations were defined in a just and equitable manner.

3. The Organization of the Islamic Conference (OIC) had recently adopted a resolution calling for the drafting of Islamic human rights instruments to supplement international endeavours in that area. His own country, for its part, could boast outstanding human rights achievements and looked forward to making ongoing improvements. His Government continued to cooperate with the Commission and had invited the Special Rapporteur on the independence of judges and lawyers to conduct an in situ mission to Saudi Arabia. It had also contributed to several voluntary funds established by the Office of the High Commissioner for Human Rights (OHCHR), including, most recently, the Plan of Action for the Convention on the Rights of the Child.

4. A government mechanism had been established to investigate allegations of torture and other individual abuses, in fulfilment of the country's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The public was being sensitized to human rights, the emphasis being placed on the application of humanitarian principles. His country had also submitted its candidacy for membership of the Commission, thereby demonstrating the importance it attached to international cooperation on human rights issues.

5. As part of its comprehensive human rights strategy, his Government had also taken steps towards: the authorization of the establishment of an independent national body to publicize human rights and advocate the punishment of offenders; the establishment of human rights sections within various government ministries; and the adoption of new regulations governing the legal profession and legal counselling. Far from constituting a response to external factors, such achievements stemmed from his Government's natural concern for human rights.

6. In Saudi Arabia, equal rights were granted to citizens and foreign residents. The exercise of freedom of expression and assembly was not prohibited, providing it was neither prejudicial to public order nor detrimental to public morals. There were numerous channels through which

individuals could express their opinions in full freedom. In accordance with the country's traditional "open-door policy", all State officials were obliged to receive citizens and others, to hear their opinions and complaints and to find solutions to their problems. Dozens of governmental and non-governmental bodies in receipt of public support were engaged in charitable and social activities.

7. His Government attached great importance to the principle of tolerance. Non-Muslims enjoyed all the basic rights and freedoms guaranteed to Muslim residents. Moreover, they had full freedom to engage in their religious observances in private. No non-Muslims had ever been subjected to prosecution or punishment on religious grounds; indeed, it was a punishable offence to subject them to any interference or harassment.

8. The State's 7 million residents enjoyed all their rights and bore no tax burdens. They also had the unrestricted right to transfer their savings, which amounted to some US$ 17 billion in 1999. Moreover, new regulations allowed non-Saudis to own property and to invest in the local stock market.

9. All legislation applied equally to both sexes. Indeed, the Islamic shariah did not discriminate between men and women with regard to their duties and obligations. His Government was endeavouring to ensure that women enjoyed all their legally recognized rights and was pleased to report that educational enrolment among girls amounted to 95 per cent and female illiteracy had declined sharply to 15 per cent. The State also provided grants and appropriate accommodation for female students. Educational expenditure accounted for 25 per cent of the State's budget and represented 9 per cent of gross domestic product (GDP). Education - especially female education - constituted the cornerstone for the advancement and development of society.

10. It was a matter of concern that some members of the international community appeared to have difficulty in understanding human rights within the context of Islam. There was a need for constructive dialogue among the various civilizations and cultures, with a view to ensuring protection of the human person and human rights.

11. The Government of Iraq should cooperate with international bodies in efforts to establish the whereabouts of prisoners, detainees and missing persons of Saudi, Kuwaiti and other nationalities in Iraq. It was high time that the Iraqi Government found a solution to that humanitarian tragedy, which was of great concern to international, regional and local organizations alike.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

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(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2000/3 and Add.1-3, 4 and Add.1 and 2, 9 and Add.1-3, 54, 55, 56 and Add.1 and 2, 57-59, 60 and Add.1, 61 and Corr.1 and Add.1 and 2, 62, 63 and Add.1-4, 64 and Add.1, 65, 115, 125, 126, 132, 133 and 135; E/CN.4/2000/NGO/2, 6, 9, 10, 20, 27, 29, 33, 41, 45, 50, 60, 62-64, 78-81, 91, 92, 95, 104-106,111, 118, 126, 129-135, 138, 141 and 143; E/CN.4/Sub.2/1999/27; A/54/177 and Corr.1)

12. Mr. HUSSAIN (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), introducing his report (E/CN.4/2000/63 and Add.1-4), said that his task fell into three main categories. The first was sending communications to States concerning allegations of violations of the rights to freedom of opinion and expression. As in previous years, he had received a disturbingly large number of complaints, principally concerning writers or journalists. His report contained a trend analysis of the communications received. He could analyse only a minority of the 1,500 or so communications that he annually received from a variety of sources and in that context he noted that the staffing situation of his mandate had remained problematic. The support of the French Government and the recent announcement of funding from the Canadian Government were very welcome.

13. The second category was that of missions. He had undertaken four - to the Sudan, to Ireland, to the United Kingdom of Great Britain and Northern Ireland and to Tunisia. In the Sudan there were signs of positive interest in improving the human rights situation. The country had, however, a potential for unrest that exacerbated its human rights problems. On the one hand, there was the view that establishing a religious way of life would automatically produce stability and ensure respect for human rights, while, on the other hand, there was constant turmoil caused by the war between the north and the south. Unless the Sudan freed itself from its historical contradictions, force-feeding of human rights policies would remain wasted. A conceptual change had to be made.

14. Tunisia was a progressive State and the efforts that had been made to modernize the country should lead to social and political stability and thence to progress in human rights. There was, nevertheless, an inflammatory fundamentalist threat in the region. It was right to have safeguards against that, but not at the expense of freedom of opinion and expression. Tunisia had the leadership, means and will to become a model for other Arab States to follow.

15. Ireland was experiencing a radical social transformation. There was a firmer resolve to tolerate differences of opinion and to work towards pluralism. Outsiders and immigrants had been welcomed. Divergences of views were democratically discussed. The impact of developments in Northern Ireland would have to be watched to ensure that they did not vitiate the atmosphere of freedom of the press and expression.

16. As far as Northern Ireland was concerned, the parties to the dispute were still riddled with weaknesses and internal strains, and marked by a fundamental flaw of overlooking human values and compassion. Only the democratic process of freedom of opinion and expression could convince people of the inevitability of reconciliation. Although success was not a foregone conclusion, the freedom of the media made the prospects look hopeful. In Great Britain, freedom of opinion and expression remained a keystone of national life. In addition, a new agenda of cooperation with other European countries was being worked out to provide a common moral and legal foundation for the enjoyment of the right of freedom of opinion and expression in any of the countries. The United Kingdom was also preparing to end the regime of official secrecy in order to give greater access to information.

17. In 2000, he would be visiting Albania and Peru. With regard to other invitations, he drew attention to paragraph 18 of his report in which they were listed.

18. The third part of his task was to collaborate with other human rights mechanisms and strengthen cooperation with other institutions, especially the United Nations Educational, Scientific and Cultural Organization (UNESCO), as noted in paragraph 11. He had also issued a joint statement with the Special Rapporteur on freedom of expression of the Organization of American States (OAS) and the Representative on freedom of the media of the Organization for Security and Cooperation in Europe (OSCE), which would be found in annex I.

19. He had drawn attention to four issues that deserved particular attention. In the first place, he was concerned about the tendency of Governments to withhold information from the people. Secondly, he was alarmed at the number of communications received referring to accusations of libel and defamation against employees of the media. Such cases had a negative impact on freedom of expression and he supported the international bodies which vehemently opposed the threat of criminal proceedings in the case of defamatory statements. Thirdly, the police and criminal justice system should be improved in many countries. There was a growing number of complaints about police handling of cases in the area of freedom of expression. Justice should not be allowed to become a weapon in the hands of the prosecution. Fourthly, with regard to the new technologies, actions by States to impose excessive regulations on the grounds that they were necessary to preserve the moral fabric or cultural identity of societies were paternalistic. Moreover, inequalities of access to such technologies could lead to political and social exclusions tending to instability and explosive situations.

20. Countries should adopt a self-critical outlook to deal with certain deficiencies that had domestic causes and could be tackled at the domestic level. For instance, a number of countries had failed to respond fully to gender equality, sometimes owing to a misinterpretation of cultural and religious doctrines. Shortcomings in the judicial system were also an important issue. They related to the excessive time taken in handing out justice, the cost involved and the inadequate number of honest and competent judges. The powerlessness of justice with regard to State interference and organized crime was also a hindrance to human rights. Care must be taken that the judicial process was not allowed to become politics by other means.

21. Ms. ANDERSON (Observer for Ireland) commended the detail and diversity of the Special Rapporteur's report (E/CN.4/2000/63/Add.2). His visit had been most timely, for it was during periods of change, such as Ireland was currently experiencing, that it was most important

to ensure that basic principles and rights were respected. The report had been carefully studied by her Government, which attached the utmost importance to freedom of opinion and expression. A number of detailed comments had been made, which would be passed to the Special Rapporteur in written form.

22. In line with the Special Rapporteur's recommendations, draft legislation was at an advanced stage to enable Ireland to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination. The Department of Justice, Equality and Law Reform was also carrying out a major review of censorship laws.

23. In the interests of clarification, she noted that it was incorrect to state that the 1961 Defamation Act specified that newspapers and periodicals accused of libel had to prove that defamatory words employed were true. That obligation arose whenever the defence of justification was pleaded; it was a common law defence. However, the Defamation Bill was at an advanced stage of preparation and its provisions were likely to ensure greater coherence than before.

24. Mr. CUMARASWAMY (Special Rapporteur on the independence of judges and lawyers), introducing his report (E/CN.4/2000/61 and Corr.1 and Add.1 and 2), drew attention first of all to the report on his mission to Guatemala (E/CN.4/2000/61/Add.1), which had examined the state of the administration of justice, and in particular the independence and impartiality of the judiciary, allegations of threats to and intimidation of judges, prosecutors and lawyers, allegations of impunity in human rights related offences, the system of legal education, the revision of outdated laws, the incidence of lynching, and judicial reform. In principle, Guatemala had a well-balanced Constitution for a democratic Government. The independence of the judiciary was well protected. The Government had ratified several of the major human rights treaties. Implementation, however, had been dismal. The administration of justice had been devastated during the 34 years of armed conflict. The result had been incompetence, inefficiency, corruption, influence-peddling and associated ills. Public confidence in the administration of justice was at its lowest ebb. His recommendations should, if implemented, improve the situation.

25. He drew attention to the invitations extended by the Governments of Belarus, Mexico, Saudi Arabia and South Africa, mentioned in paragraphs 14 and 15 of the general report (E/CN.4/2000/61). The Government of Zimbabwe had also just informed him that it would welcome a mission.

26. He welcomed the increasing number of cases decided by the apex courts of countries, laying down the requisite norms for the protection of an independent judiciary, in accordance with international and regional standards. Such cases were noted in paragraphs 36 and 37. He also welcomed the fact that the issue of judicial corruption was being openly addressed, as noted in paragraph 29. The workshop of experts convened by the Centre for the Independence of Judges and Lawyers in February 2000 had formulated a policy framework for preventing and eliminating corruption and ensuring the impartiality of the judicial system. The United Nations Office for Drug Control and Crime Prevention would also shortly be convening a meeting with Chief Justices from Africa and Asia to address the issue.

27. Paragraph 338 contained a recommendation that serious consideration should be given to providing a monitoring mechanism to implement the Declaration on human rights defenders. The risks such people were exposed to were horrendous and many of the attacks on them could not be dealt with by existing mechanisms. The Commission owed it to them to defend them and to expose the perpetrators. He welcomed the draft resolution to that effect at the current session.

28. With regard to country situations, he drew attention to paragraphs 57-69, on his visit to Belgium, where he had been concerned about the composition of the Superior Council of the Magistracy. He welcomed the fact that the Council was currently composed of 50 per cent magistrates and 50 per cent Senate-appointed jurists, with a proper balance between the French- and Dutch-speaking colleges.

29. He further drew the Commission's attention to developments in Malaysia with regard to the implementation of the Advisory Opinion of the International Court of Justice on 29 April 1999 (paras. 196-207). If it was not implemented, the Government would be in breach of the Convention on the Privileges and Immunities of the United Nations. That a Member State, having previously held the Chair of the Commission, the Presidency of the General Assembly and currently a seat in the Security Council, could continue to flout international law, a binding opinion of the International Court of Justice and a resolution of the Economic and Social Council was beyond belief.

30. In previous reports, he had welcomed progressive decisions enhancing judicial independence by the Pakistan Supreme Court. He expressed concern at the fact that all judges had recently been ordered by the Chief Executive to take a fresh oath of office and that those who had failed to do so - including the Chief Justice - had lost office.

31. Paragraphs 270-272 dealt with the case of the police brutality suffered by a Nigerian human rights defender at the hands of the Swiss police in 1997. The Government Switzerland should pay him compensation.

32. Paragraphs 314-317 dealt with the unsolved murder of Patrick Finucane in Northern Ireland. In paragraph 336 he reiterated his recommendation that the Government should establish an independent judicial inquiry into the matter. After 11 years, the Government of the United Kingdom could not continue to stall. A thorough and independent investigation of the case in a timely manner might have saved the life of Rosemary Nelson, another courageous lawyer.

33. Mr. LARIOS OCHAITA (Guatemala) said that his Government would implement the recommendations contained in the Special Rapporteur's report (E/CN.4/2000/60/Add.1). Some measures had already been adopted.

34. The people had not approved the proposed constitutional reforms. The Supreme Court had therefore recognized indigenous customary law through the Community Justices of the Peace, who could deal not only with criminal cases but also with civil, family and labour cases, favouring alternative methods of resolving conflicts. It had also implemented the administration

of justice in local languages, appointing local judges fluent in those languages and taking on interpreters, many of them university students. It had introduced oral proceedings in civil, family and labour cases.

35. It was also preparing a uniform procedural code for which various judges and magistrates had already been trained in Guatemala and abroad. The Law on the Judicial Career had been in force since December 1999 and its General Regulations since 24 March 2000. The next step would be to set up the Standing Council of the Judicial Career, to which judges and magistrates would be called to elect representatives in April and May, and Judicial Discipline Councils, which would operate an oral procedure.

36. The Law on the Civil Service for officers of the court and administrative employees had been adopted and, since 15 March, applied. Both Laws established a process of appointment, selection and training on the basis of merit, academic qualifications and personal ability that would ensure total independence, honesty and efficiency among judges, magistrates and court officers. The civil jurisdiction for the prosecution of military personnel had been strengthened, as shown by the recent sentence passed in the case of Ms. Myrna Mack. Lastly, the procedure in civil, family and labour cases had been made simpler and more flexible, with most satisfactory results.

37. With regard to threats, intimidation and harassment, he said that, when the Supreme Court was informed that a judge had been threatened, it requested the security forces to provide protection, as in the recent case of a judge whose car had been attacked in Cobán, the judge had, astonishingly, survived. Such assistance was only at the request of the judge; the judiciary had no desire to establish a security force of its own. The Supreme Court was giving serious consideration to the recommendation that a commission be established to investigate cases of threats to and intimidation of judges.

38. With regard to life insurance for judges, the Supreme Court had put out three invitations to tender, but the insurance companies considered judges to be a high-risk proposition and no proposals had been acceptable. Work was being done on alternative plans, including international invitations to tender. All judges, not including magistrates, received social security in case of illness. The Court reimbursed 60 per cent of medical expenses.

39. The Law on the Judicial Career had institutionalized the training unit, which the Court was strengthening. It had also sought to bring judges under greater public scrutiny to ensure compliance with human rights. No judge had been accused publicly of violating human rights and all dismissals of judges had taken place in accordance with the due disciplinary process and for grave faults. As part of efforts to modernize the judiciary, a code of ethics was currently being drafted in line with international standards.

40. In areas where lynchings had occurred, the Supreme Court and the Ministry of Education - in collaboration with the United Nations Mission to Guatemala (MINUGUA) - had introduced educational programmes to raise awareness in schools and to train staff to deal with the issue. Workshops had also been held with broad community participation.

41. The Court had also recently signed a cooperation agreement with the United Nations Children's Fund (UNICEF) to promote implementation of the Convention on the Rights of the Child. As for gender equality, 40 per cent of the judges and magistrates were women.

42. The United Nations Development Programme (UNDP) and the European Union had provided valuable assistance in strengthening the institutional capacity of the judiciary, fighting corruption and improving access to justice.

43. Ms. GLOVER (United Kingdom) said that her delegation was delighted that the Special Rapporteur on the independence of judges and lawyers had met the Secretary of State for Northern Ireland in 1999 and had been able to have a full and frank discussion with him regarding the murders of Patrick Finucane and Rosemary Nelson. Her Government would be responding to his mission report (E/CN.4/2000/63/Add.3) in writing.

44. Mr. EL-MUFTI (Sudan) said that his Government looked forward to studying the report of the Special Rapporteur on the freedom of expression and opinion on his mission to the Sudan (E/CN.4/2000/63/Add.1) and would do so with open heart and mind and in a spirit of shared commitment to human rights. It had benefited greatly from the Special Rapporteur's vast experience. In particular, it welcomed his observation regarding the need for technical assistance to the Sudan in the field of human rights and the media.

45. At the recommendation of the Special Rapporteur, his Government had revised the Political Association Act of 1998. There would be transparency with respect to the introduction of any future legislation that might affect freedom of expression. Moreover, no efforts would be spared in investigating any acts of violence connected with the freedom of expression and in bringing those responsible to justice.

46. His Government also intended to promote the creation of additional independent newspapers and private media. It agreed with the Special Rapporteur that all discriminatory policies and practices against women should be eliminated and was in the process of encouraging transparent public debate on ratification of the Convention on the Elimination of All Forms of Discrimination against Women. A similar approach would be followed in respect of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

47. Mr. AMOR (Special Rapporteur on religious intolerance), introducing his report (E/CN.4/2000/65), said that a further 12 communications had been sent since its completion, bringing the total to 105 communications to 60 States. He drew the Commission's attention to the urgent appeals addressed to the Government of Iran (paras. 51-53) and to the Government of Iraq (paras. 54-55). A further urgent appeal had since been addressed to Iran regarding information confirming the sentencing to death of two Baha'is. The Government concerned had refuted that information, stating that the cases were still under consideration by the Supreme Court.

48. In addition to the replies from 23 States covered in the report, replies had been received from nine States, namely, Azerbaijan, Brunei Darussalam, China, Egypt, Indonesia, Iran, the Russian Federation and Viet Nam. He had also sent six further communications to States.

49. In situ visits continued to be a good way of promoting dialogue and understanding. In 1999, he had visited Turkey; his mission report would be presented to the General Assembly at its forthcoming session. A visit to Bangladesh was scheduled for 2000, while responses to requests for invitations were being awaited from, inter alia, the Democratic Republic of Korea, Indonesia, Israel, and the Russian Federation. An invitation had just been received from Argentina.

50. He drew particular attention to the visit he had made to the Holy See, which was described in Chapter IV of his report.

51. Among his conclusions and recommendations (Chapter V), he wished to stress the vital need for the prevention of intolerance and discrimination. In that connection, the General Assembly had shown interest in the proposed change in the title of his mandate from religious intolerance to freedom of religion or belief, terms of reference that would be more acceptable to a number of States.

52. Mr. PÉREZ-HERNÁNDEZ Y TORRA (Spain), having mentioned that his country would be hosting the International Consultative Conference of Experts on School Education with regard to Freedom of Religion and Belief, Tolerance and Non-Discrimination in Madrid from 23 to 25 November 2000, said that the promotion of the values of tolerance and respect for religions and beliefs and the defence of freedom of religion and belief by means of education, particularly in the schools, had been a long-standing aspiration of the Commission. His Government attached the greatest importance to the promotion of tolerance and respect for religions and beliefs and for their free and full exercise, and Spain had become a country in which all religions and beliefs flourished and were expressed freely, and in which efforts were made to promote a fruitful dialogue between the different religions and beliefs. His delegation hoped that the declaration that would emerge from the International Consultative Conference of Experts would serve to develop the Commission's work in promoting religious tolerance through school curricula.

53. Monsignor BERTELLO (Observer for the Holy See), expressing appreciation of the Special Rapporteur's visit to the Holy See in September 1999, said that on a number of occasions Pope John Paul II had described religious freedom as lying at the very heart of human rights and as making other personal and collective freedoms possible. There was concern, however, at the gap between theoretical acceptance of the principles involved, which were almost always recognized in national and international instruments, and their respect in practice. Cases of violations which had been brought to the Special Rapporteur's attention showed that believers were subjected to serious discrimination and sometimes persecution.

54. The Special Rapporteur had rightly drawn attention to the Holy See's activities in the area of inter-religious dialogue. During an inter-religious meeting on 23 March 2000 in Jerusalem, attended by representatives of the Jewish, Christian and Muslim faiths, the Pope had described religion as being the enemy of exclusion and discrimination, hatred and rivalry, violence and conflict. He had said that religion was not and must not be an excuse for violence, particularly when religious identity coincided with cultural and ethnic identity.

55. The Special Rapporteur had also noted the importance which the Catholic Church attached to schools and school curricula in nurturing a culture of acceptance, dialogue and respect for others. Through its network of educational institutions, in which pupils of different religions often sat side by side, the Church was anxious to contribute to the development of society through the technical and intellectual training of the young and the development of their personalities as a whole. As the Pope had said in India, education must help the young to discover the spiritual dimension of their lives and to learn the supreme values that would support the social fabric of their countries in the future.

56. Ms. JAHANGIR (Special Rapporteur on extrajudicial, summary or arbitrary executions), introducing her report (E/CN.4/2000/3 and Adds. 1 to 3), said that her mission to the former Yugoslav Republic of Macedonia and Albania in May 1999 (E/CN.4/2000/3/Add.2) had been aimed at gathering and assessing information on the situation in Kosovo but, regrettably, security concerns had prevented her visiting Kosovo itself. In the absence of an invitation from the Yugoslav Government, she had also been unable to extend her visit to Belgrade. After her mission - in June 1999 and March 2000 - she had received comments and further information from the Yugoslav Government which she had taken into account and would be reporting on after her follow-up visit to Kosovo. She would continue to monitor developments in the region closely, and hoped that resources would be made available so that she could plan her visit as soon as she had carried out those already scheduled.

57. She continued to be concerned about the culture of impunity in Mexico (E/CN.4/2000/3/Add.3), which gave rise to a vicious circle of violence, resulting in extrajudicial, summary or arbitrary executions. The Government of that country had transmitted comments and observations on her report, and the Federal Electoral Institute of Mexico had also sent her some information.

58. In November 1999, she had conducted a joint mission to East Timor together with the Special Rapporteurs on torture and on violence against women. The mission report (A/54/660) had been presented to the General Assembly in December 1999, and was submitted to the Commission as document E/CN.4/2000/115. She regretted that they had been unable to visit Jakarta, West Timor and other locations of relevance to their investigations due to the late consideration of their request by the Government.

59. In February 2000, she had undertaken a mission to Nepal at the invitation of the Government, a visit on which she hoped to report in the near future. She thanked the Governments of Turkey and Colombia for inviting her to visit their countries but regretted that the limited resources available to her mandate made it necessary to delay those missions.

60. There had been an alarming increase in the incidence of large-scale extrajudicial killings carried out by government security forces and by armed groups allegedly sponsored, supported or tolerated by Governments. The role of non-State actors in carrying out extrajudicial killings had increased as more and more oppressive Governments made use of militant forces to deal with individuals or groups challenging their authority. It was often difficult to establish the link between violent acts committed by non-State actors and the State, especially for ordinary citizens with few resources at their disposal, so the victims required the support of the international community. Human rights violations committed by government forces or State-sponsored

groups were often ignored or actively covered up by a country's justice system, in many instances resulting in a deeply entrenched culture of impunity which perpetuated human rights violations. In such situations the judicial system lost respect and legitimacy in the eyes of the people and of the law-enforcement agencies. non-governmental organizations (NGOs) had a crucial role to play in combating misinformation and raising public awareness.

61. While preparing her report, she had received a list of 133 documented cases of extrajudicial executions or death threats directed against human rights defenders which had occurred in the past year. Journalists were increasingly being exposed to death threats and actual killings.

62. Another cause for concern was the killing of women in the name of honour. There was clearly a pattern of deeply entrenched prejudice on the part of Governments, prosecutors and courts towards the victims of such crimes, who were often depicted as deserving their fate since they had "dishonoured" traditional, "moralist" values of society. State intervention was seriously lacking and, while the victims were punished, the perpetrators usually enjoyed total impunity.

63. Children were increasingly being exposed to violence and killings: there were continuing reports of their use in armed conflicts by Governments and militant groups supported by Governments. Children as young as 12 were reported to be participating in armed activities in the conflict in the Democratic Republic of the Congo.

64. In July 1999, she had sent a questionnaire to all States retaining the death penalty either in law or in practice. There was a gradual movement towards abolishing the death penalty, and a global consensus was close to abolishing it for children who were under 18 years of age when the crime was committed. Since 1990, the Islamic Republic of Iran, Nigeria, Pakistan, Saudi Arabia, Yemen and the United States of America were known to have executed persons accused of crimes committed when they were under 18. In many retentionist countries, legal proceedings in relation to capital offences did not conform to the highest standards of impartiality, competence, objectivity and independence of the judiciary, as required by the relevant international instruments.

65. In the past year, she had transmitted urgent appeals concerning 213 individuals and members of groups to the Governments of 42 countries. She had also sent allegations regarding violations of the right to life of more than 900 individuals to the Governments of 41 countries. Some Governments had replied only in part and 30 of them had not replied at all.

66. The situation in Chechnya was a cause for the gravest concern. She had sent repeated communications in the past year to the Government of the Russian Federation requesting investigation of alleged cases of extrajudicial killings with a view to bringing those responsible to justice. She had also requested that Government to invite her to visit Chechnya. She intended to continue to follow developments there closely in the months to come.

67. Mr. KRISAFI (Observer for Albania) said he noted the Special Rapporteur's conclusion that killings in Kosovo were "mostly carried out by forces under direct or indirect State control" (E/CN.4/2000/3/Add.2, para. 7). By highlighting the events of a year previously, she was

assisting in the understanding of the changes that had taken place in Kosovo. Two million Kosovars had won their freedom thanks to the international community. His delegation fully supported the Special Rapporteur's recommendations that the International Criminal Tribunal continue its investigations with a view to bringing perpetrators of violations of human rights and humanitarian law in Kosovo to justice, that the vicious circle of reprisals be brought to an end, and that civil society be rebuilt.

68. As for the allegations contained in paragraphs 15 and 25 of document E/CN.4/2000/3, his delegation wished to remind the Special Rapporteur that the Government of Albania had demonstrated its desire to cooperate by inviting her to visit the country. In its note of 8 February 2000, the Permanent Mission of Albania had provided the Special Rapporteur with full documentation and information concerning the incident referred to in her letter of 23 November 1999, explaining its circumstances in detail. The fact was that it constituted an ordinary, although serious and punishable, crime and not an extrajudicial execution. The perpetrators of the crime had been identified and were being prosecuted. To ensure that the truth was made manifest, his Government was fully prepared to cooperate with the Special Rapporteur, to place all necessary documentation at her disposal and to offer her all the facilities she might require to visit the country and undertake her own investigation of the incident in question.

69. Mr. DE ICAZA (Mexico) said that in the report on her visit to Mexico (E/CN.4/2000/3/Add.3) and in her conclusions and recommendations, the Special Rapporteur had clearly exceeded her mandate because she had dealt with electoral procedures and the role of national institutions such as the armed forces operating in accordance with the functions conferred on them by the Mexican Constitution. His Government was much concerned that, throughout her report, the detailed information it had provided to her had been omitted, leading to a lack of balance and objectivity and to recommendations for action that had already been taken or for measures that went beyond her mandate, such as the non-utilization of the armed forces in fighting organized crime.

70. In the case of her recommendation that the Government of Mexico should invite international observers to monitor general elections, the Special Rapporteur appeared to be unaware of the fact that international observers had monitored electoral processes in Mexico since 1994. Many of her recommendations were already on Mexico's national agenda before her visit. His Government would study those of her recommendations that corresponded to her mandate with a view to implementing those that were relevant and were not already being implemented.

71. The Special Rapporteur expressed special concern in document E/CN.4/2000/3 concerning violations of the right to life of individuals who had cooperated with representatives of United Nations human rights bodies and suggested that the death threats against a Mexican NGO, Centro de Derechos Humanos Miguel Agustín Pro Juárez, were the result of its having cooperated with her during her visit to Mexico. That was untrue. The threats in question were a matter of concern to the Mexican authorities, but there was no indication that they had anything to do with the Special Rapporteur's visit. The Centre was being protected and its

members had been given personal guards. Incidentally, the case was not a violation of the human rights of human rights defenders. The indications were that it might be a common crime, and the competent authorities were dealing with it.

72. Mr. RUTIJANWA (Rwanda) said that his country's Government of National Unity had put an end to the genocide that had killed more than one million people in 1994. The genocide had been perpetrated by the Government of the time with the active and massive participation of the population. The current Government was sparing no effort in dealing with its terrible consequences. It was faced with a very large number of victims and possible perpetrators of genocide. Rwanda's Genocide Organization Act had been implemented as a form of classic justice but with very sparse results. It had been estimated that it would take more than 100 years to deal with the more than 120,000 detainees currently in jails and communal detention centres.

73. At the initiative of the Rwandan population, a system based on traditional justice in Rwandan communities, known as gacaca, had been proposed as a method of participatory justice to complement the procedures of classical justice. After several months of consultations at all levels, a bill was with the Council of Ministers and would be presented to parliament for adoption which would introduce the gacaca system for crimes of genocide by complementing and modifying the Genocide Act.

74. The main objectives of the gacaca system were to involve the population in the administration of justice regarding the genocide to the same extent that they had been involved in the genocide itself either as perpetrators or as witnesses; to discover the truth about the crimes of genocide that had been committed; to root out impunity; to accelerate the trials, release the innocent and empty the jails; and to promote and facilitate national reconciliation. The gacaca judges would be elected by the local population from among the population on the basis of moral and legal integrity. The 10,000 or more gacaca jurisdictions, at the various administrative levels, would be overseen at the national level by the Sixth Chamber of the Rwandan Supreme Court.

75. The system would lead to the compilation of lists of the persons who were victims of the genocide, those who were perpetrators of the genocide and also details of damage to property; the categorization of crimes and of those who were accused; and the transmission of their files to higher levels. The thousands of gacaca judges would not be paid; they would be compensated for out-of-pocket expenses. The gacaca system had received broad consensus support from the Rwandan population.

76. The international community had been implicated in the Rwandan genocide, and was currently involved in the International Criminal Tribunal for Rwanda. It would also become more involved in post-genocide justice in Rwanda itself. The gacaca system of justice was to be seen as an addition to international jurisprudence regarding the crime of genocide and mass crimes in general. The first trials would be taking place later in the year, and it was the hope of his Government that representatives of the international community would be able to attend them.

77. Ms. INAYATULLAH (Pakistan) said that her Government was convinced that the devolution of power and empowerment of the people would give citizens a personal stake in decision-making and in such priority areas as development in particular. A devolution plan was

in the process of being pursued with a view to putting in place the first tier of a people's democracy. In a genuine effort to mainstream women and involve youth, the forthcoming direct elections at the village and rural level would reserve 50 per cent of seats for women, and the voting age had been reduced from 21 to 18.

78. The judiciary, which was free and independent, had been reformed as part of the devolution plan. Since the change of Government in 1999, there had been no changes in the judicial system, which remained transparent, independent and free of political pressure. International observers had free access to court proceedings. In recognition of the fact that enabling mechanisms for women were needed, and in order to make justice more accessible, special courts were being set up at the district level to deal with cases relating to women. A system for monitoring the performance of district and sessions judges was being developed, and it was expected that the current backlog of cases would be cleared within two months. Special measures had been taken for the protection of judges and lawyers, and a judicial commission of the Supreme Court had been set up to inquire into the circumstances that had led to the killing of the lead defence lawyer for the former Prime Minister. The death penalty had been abolished for children.

79. As had been acknowledged in the recently-published report by the Committee for the Protection of Journalists, there was freedom of expression and a completely free press in Pakistan. Independent broadcast media channels were being established. Convinced of the need to empower the people, her Government was attempting to put in place stable and unassailable civil structures and political institutions that would ensure democracy in the country.

80. Mr. VOTO-BERNALES (Peru) said that his Government had demonstrated its commitment to the thematic procedures, a cooperation that had been recognized in the reports of which the Commission was seized. The best form of cooperation that a State could provide was to make every effort, as Peru was doing, to implement the recommendations made by those procedures. An example of such cooperation was the mechanism being designed by his Government to remedy the difficult situation of persons who had been unjustly deprived of their liberty as a result of the application of anti-terrorist legislation. Various laws had been promulgated to combat human rights violations such as genocide, forced disappearance and torture, and measures were being taken to correct some of the excesses that had inevitably occurred during the past decade of terrorist violence. The political will of the country to recognize mistakes and ensure that they were not repeated had been amply demonstrated, and that could be considered as a contribution to the effectiveness of the system for the protection of human rights.

81. Cooperation was not a one-way street: there must be reciprocity. He had therefore noted with satisfaction that the thematic procedures were able to recognize their own deficiencies with regard to the management of certain situations and that the necessary corrective measures were being taken. He described two cases which demonstrated the shortcomings of the Working Group on arbitrary detention, and said that he hoped that no deliberate bad faith had been involved. Improvements to the system could be made only by strengthened reciprocal cooperation between States and the special mechanisms. The genuine efforts made by States must be recognized if the climate of cooperation and confidence necessary for the work of the thematic procedures to be fully effective was to be created.

82. Mr. LEGWAILA (Botswana) said that the legitimacy of his country's State and its institutions flowed from its people's right to free speech and freedom of expression, which ensured that the rulers were accountable. When such freedoms were curtailed, the legitimacy of the Government was called into question. The Constitution of his country protected freedom of conscience, and the peaceful co-existence of many different religions had strengthened democracy, peace and stability. Religious intolerance was a scourge which had led to serious abuses of human rights and many horrendous wars.

83. A truly independent judiciary was one of a democratic society's most important institutions with regard to the promotion of human rights. Botswana was fortunate in having a society based on the rule of law and a judicial system that was neither beholden to the Government in power nor dependent for its existence on an ideologically or politically determined electoral process. The Chief Justice and High Court judges enjoyed constitutional protection and were beyond the reach of political manipulation.

84. Botswana, in common with other civilized nations, was troubled by the impunity with which human rights and international humanitarian law could be violated, and had therefore joined the campaign for the establishment of international mechanisms designed to punish crimes against humanity and humanitarian law. Believing that such crimes were a form of human rights abuse, the punishment of which could not be left to the vagaries of individual national judicial mechanisms, his Government supported the Rome Statute on the establishment of an International Criminal Court.

85. Democracy in Botswana, and the peace and stability enjoyed in his country, were the result of its unflagging commitment to the enjoyment of all human rights by all its people, without regard to race, origin, political opinions, colour, creed or sex.

86. Mr. KADYROV (Russian Federation), described the background of current events in Chechnya and Dagestan, and his own personal role in those events. As Mufti of Chechnya, he also provided their religious background. He was surprised at current Western interest in the situation in Chechnya, when the first war fought there had been treated as an internal matter for the Russian Federation. Violation of human rights had indeed taken place in Chechnya, but people there were hopeful that the recent election of Mr. Putin as President of the Russian Federation would bring change and improvement. He expressed the hope that a peaceful political process would gradually succeed in bringing peace to the country, and called upon the international community to ensure that the question was dealt with appropriately.

87. Mr. BATCHELOR (United States) said that the issues dealt with by the Commission were important to the United States Government and public and, as a representative of the public, he would be able to report on the work of the Commission to his home constituents.

88. One of the most basic human rights was freedom of worship. It was therefore unacceptable to remain silent when faced with Governments that repressed people seeking to express their religious and spiritual beliefs and violated internationally accepted standards for freedom of conscience. The international community must demand an accounting from regimes that persecuted religious minorities. Such Governments included the Sudan, where Christians and traditional African believers were persecuted; China, where practitioners of Falun Gong

were jailed, Tibetan Buddhists and Muslim Uighurs were abused and Protestants and Catholics persecuted; Iran, where Baha'is and Jews were attacked; Iraq, where Shi'ites, Assyrians and Chaldeans were persecuted and their holy sites desecrated; Afghanistan, where the Taliban imposed stifling restrictions on women and girls, and the former Yugoslavia, where religious and ethnic hatred had been used by the regime in order to provoke four wars which had caused hundreds of thousands of casualties, driven millions from their homes and destroyed lives and livelihoods throughout the country.

89. Failure to condemn such barbaric practices would be an insult to the proceedings of the Commission. It was the Commission's goal to do everything possible to guarantee the human rights of every living person. Human rights violations must therefore be exposed, and decisive and principled action taken, regardless of the opposition. Until Governments respected their people, people would not respect their Governments and the vicious cycle of oppression and abuse would not be broken.

The meeting rose at 1.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 April 2000, at 3 p.m.

Chairman:	Mr. SIMKHADA	(Nepal)
later:	Mr. IBRAHIM (Vice-Chairman)	(Sudan)

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(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

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(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (continued)

The meeting was called to order at 3.15 p.m.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

(c) FREEDOM OF EXPRESSION

(d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

(e) RELIGIOUS INTOLERANCE

(f) STATES OF EMERGENCY

(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2000/3 and Add.1-3, 4 and Add.1 and 2, 9 and Add.1-3, 54, 55, 56 and Add.1 and 2, 57-59, 60 and Add.1, 61 and Corr.1 and Add.1 and 2, 62, 63 and Add.1-4, 64 and Add.1, 115, 125, 126, 132, 133 and 135; E/CN.4/2000/NGO/2, 6, 9, 10, 20, 27, 29, 33, 41, 45, 50, 60, 62-64, 78-81, 91, 92, 95, 104-106, 111, 118, 126, 129-135, 138, 141 and 143; E/CN.4/Sub.2/1999/27; A/54/177 and Corr.1)

1. Mr. ALFONSO MARTINEZ (Cuba) said that, as his delegation had already stressed in the past, it was a matter of urgency that the Commission should revise its working methods in depth. Two years previously, the Commission had approved a restructuring of its agenda. The result had, unfortunately, not been satisfactory. Economic, social and cultural rights were still not considered on an equal footing with civil and political rights and there was a whole series of politically sensitive issues of capital importance that in some ways it was currently even more difficult to analyse seriously.

2. Agenda item 11 covered no less than 16 different topics, dealt with in 76 documents, comprising five reports by the Secretary-General, two by the High Commissioner, three by working groups, five by thematic special rapporteurs and one by an independent expert, as well as 20 documents for consultation from the General Assembly, the Commission or the Sub-Commission and some 40 non-governmental organizations (NGOs). It all amounted to 1,174 pages which delegations were required to study in a very limited time. The documents were, moreover, often only available at a very late stage, sometimes just when they were about to be considered, as in the case of the reports of the Special Rapporteur on the question of torture or the Special Rapporteur on freedom of opinion and expression. Delegations' time was also taken up by the consideration of draft resolutions, the contents of which were urgently negotiated in the course of numerous consultations in parallel with plenary meetings.

3. That being the situation, his delegation would like to know what had become of the rule requiring documents to be submitted six weeks before the start of each session of the

Commission. It wondered how many delegations had been able to read all the documentation supplied and whether, in the unlikely event of their having done so, they would have had time to weigh up all the implications. It was also doubtful whether they could really express their ideas on every topic in the 12 minutes allotted to them. The question arose what contribution the majority of the States members of the Commission could make to the discussion, particularly those with small delegations, in other words mainly the countries of the South, and who gained from such a deplorable situation.

4. It was clear that with the meagre resources allocated to it – due to the fact that certain States, particularly the United States of America, did not pay their contributions – the Conference Services Division did not have the means to meet requirements. If that crisis situation were to persist, the most reasonable solution would be to consider certain topics every two years, or even every three years, and not annually as was currently the case. His delegation hoped that the possibility would be given serious consideration.

5. There were three negative characteristics of the reports submitted under what was called the thematic "special procedures": a tendency to concentrate on allegations of human rights violations in the countries of the South; the inflation of the "urgent appeals" to States; and the Secretariat's disproportionate application of the rule concerning the number of pages a report could have.

6. In connection with the report of the Working Group on Arbitrary Detention (E/CN.4/2000/4 and Add.1 and 2), his delegation considered that the fact that the Working Group had, the previous year, addressed 101 "urgent appeals" to the Governments of 39 countries (of which only Belarus, the Federal Republic of Yugoslavia and Turkey formed part of the continent of Europe) distorted the exceptional nature of the procedure. Of the 36 Opinions expressed by the Working Group, only 6 concerned developed countries of the North, and, in the case of three of them, the detention was deemed not to be arbitrary. His delegation approved, however, the conclusion by the Working Group that it was justifiable to transmit communications and urgent appeals to the Government of Israel concerning detention in Al-Khiam prison.

7. In the case of the report by the Special Rapporteur on the question of torture (E/CN.4/2000/9 and Add.1 to 4), his delegation deemed it regrettable that the Special Rapporteur repeatedly used the terms "prisoners of conscience" and "human rights defenders", which belonged rather to NGO documents than to those of the United Nations. It was unable to see either in what sense resolutions adopted by the Commission on Human Rights at its fifty-fifth session were also pertinent to the Special Rapporteur's mandate (as paragraph 2 of the report stated), particularly as the following paragraph dealt with the desire to avoid duplication of activity. Furthermore, the practice of the Special Rapporteur on the question of torture submitting to the General Assembly a preliminary version of the report he was to present to the Commission was not really of any practical utility and should be discontinued. With reference to paragraphs 343, 344 and 351 of the Special Rapporteur's report, his delegation repeated that the Cuban Government had been unable to furnish the particulars required because the information the Special Rapporteur had given it on the persons concerned had been incomplete. In addition, his delegation did not agree with the recommendation by the Special Rapporteur in paragraph 1209 of his report that the Commission should endorse the text annexed to the report.

On the other hand, it considered that the communications submitted to the Commission by three NGOs, concerning the situaton of Leonard Peltier, who was still in detention in the United States, were justified; the Special Rapporteur referred to his situation in paragraph 1117 of the report.

8. Since the role of democracy in the exercise of civil and political rights was very much at the forefront of discussion, its beneficial effects on economic, social and cultural rights should also be stressed. The establishment in Cuba of a genuine democracy in 1959 – a democracy in accordance with the island's traditions and needs – had made possible also the participation of the citizens in political life and the realization of the rights to education, housing, work and health. It was unacceptable that the term "democracy" should in a sense be the "private property" of States which defended their own view of the world. His delegation rejected the idea that the existence in a country of an institutional and development model based on socialism was an obstacle to the promotion and protection of human rights and fundamental freedoms. It was quite the contrary, since it was only as a result of that model that rights and freedoms could be guaranteed in Cuba.

9. Mr. COLE (Nigeria) said that, if Nigeria had emerged from a dramatic period of human rights violations, it was partly as a result of the positive role played by the international community in general, and the Commission in particular. Since President Obasanjo had himself been a victim of the repression, he was all the more determined to ensure that all Nigerians would be able to exercise their civil and political rights. The fundamental principles of democracy, namely, respect for the rule of law, transparency, accountability and good governance were the guiding philosophy of the Government. The people subscribed to those principles not because of pressures exerted by outsiders but because it considered them to be the key to its well-being. The establishment of democracy after some 15 years of military dictatorship had, no doubt, advanced the cause of the citizens' civil and political rights, but it was important to remain vigilant to preserve those new-won rights.

10. Democracy must also permit a response to the population's economic, social and cultural needs. States must take all appropriate steps in that regard. Using various means, including a poverty alleviation programme, President Obasanjo's Government was endeavouring to meet needs in terms of employment and access to social services – health, education, drinking water and low-income housing. Unfortunately, its action, like that of other developing countries, was hampered by a heavy debt burden. Resources which could have been devoted to social and economic programmes were allocated to debt servicing.

11. The phenomenon of corruption was a pernicious violation of the rights of the people. Enormous damage had been done to the economic well-being of the Nigerian people by the siphoning off of public funds to foreign banks. The sum of Nigeria's assets stacked away abroad was estimated at US$ 55 billion. Its external debt was approximately US$ 30 billion, while a budgetary provision of US$ 1.5 billion had been made for servicing the debt. It went without saying that recovery of the assets stolen and placed in foreign financial institutions would be of great assistance to the public budget and national development programmes. His Government believed that the time had come for the elaboration of an international convention on the recovery of stolen assets and the punishment both of the perpetrators of the theft and the financial institutions which accepted the funds. He called upon the Commission to take up the

issue at its current session. The international community could not continue to condemn corruption in all its forms and then refuse to initiate concerted action. The Commission should also take resolute action to eradicate poverty, one of the greatest violations of the rights of individuals and peoples.

12. Nigeria had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1987. The current democratic Government had already initiated action for its ratification. The era of illegal detentions was over. The new Constitution guaranteed the independence of the judiciary and freedom of religion and conscience for all citizens. There was no state religion in Nigeria. Military service was not obligatory and the armed forces comprised volunteers only. The question of conscientious objection to military service thus did not arise.

13. The events currently unfolding in various parts of the world showed that the Commission must continue to work tirelessly on behalf of human rights and to combat impunity.

14. Mr. LI Baodong (China) said that, while his Government was committed to the realization of economic, social and cultural rights, it also attached great importance to civil and political rights. The concept of a state subject to the rule of law had been formally incorporated into the Constitution in 1999. Chinese society was in a phase of transition between two systems; supremacy of power was about to give way to supremacy of law and after the overemphasis on duties to the detriment of rights, a balance would be established between rights and obligations.

15. Important steps had been taken to consolidate legislation, develop legal training and ensure better supervision of law enforcement. Several new laws reinforced the rights of individuals during criminal proceedings and the monitoring of administrative acts. Citizens were better informed about legal provisions and how to defend their rights and interests. A reform of the judicial system to enhance the administration of justice was in progress.

16. The Chinese Constitution guaranteed freedom of religion and belief. There were currently more than 85,000 sites for religious activities in China, over 3,000 religious organizations and 75 religious colleges. The number of Christians had grown from 700,000 in 1949 to more than 10 million. The China Christian Council had printed and distributed over 23.8 million copies of the Bible. Chinese legislation explicitly prohibited torture and severely punished its use. Machinery had been established for the purpose of supervision and law-enforcement personnel had received appropriate training. China had become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988 and his Government had so far submitted three reports on its implementation. Great efforts had been made to strengthen the legal system and promote democracy. Considerable progress had been recorded in the protection of all civil and political rights.

17. Those achievements were acknowledged by anyone free of bias and could not be denied by the United States or other Western countries or by a handful of NGOs. The human rights record in the United States, on the other hand, was deplorable: racial discrimination against blacks and coloured persons, police brutality, judicial corruption and injustice. It was the country with the highest proportion of prisoners among its population. The self-proclaimed democracy of the United States served only the interests of a small number of wealthy people.

The United States had ratified the International Covenant on Civil and Political Rights but with several declarations and reservations. In the circumstances, he wondered whether the people of the United States really enjoyed civil and political rights. Rather than proffering arrogant and baseless accusations against other countries, the United States Government should face up to its own shortcomings in human rights. Democracy and the rule of law were not the monopoly of any country. In order to reinforce them, the authorities of his country were ready to adopt all the sound practices existing in the world. Differences in actual country conditions, however, made it imperative not to copy mechanically what was done elsewhere. The Chinese authorities preferred to adopt measures suited to local conditions and in line with the needs of their people.

18. Rights and obligations were indivisibly linked. The two International Covenants on Human Rights provided that the exercise of rights was not absolute and that necessary restrictions should be imposed. In China, no one was prosecuted for holding an opinion different from that of the Government or for setting up an NGO in accordance with the law. However, the Chinese courts must punish, as the law provided, crimes such as that of endangering national security or of organizing a dangerous cult liable to cause the death of its members. The fact that the United States and a handful of other countries had engaged in unwarranted interference in China's judicial affairs and labelled the lawful punishment of criminal activities a violation of human rights showed that their vaunted defence of judicial independence and human rights was bogus but that their desire to exert political pressure on other countries in the name of human rights for reasons of domestic politics was quite genuine.

19. Mr. NASR (Observer for Lebanon) said that, in the small town of Al-Khiam in occupied southern Lebanon, there was a detention camp where violations of civil rights, including torture, were committed systematically. Responsibility for those violations belonged to Israel, the occupying Power, as emerged from the report of the Working Group on Arbitrary Detention (E/CN.4/2000/4). It was Israel that had established the camp on occupied Lebanese territory which it called its "security zone". It was the Israeli police which carried out interrogations of the detainees and practised torture. The Al-Khiam detention camp currently contained 140 Lebanese detainees of both sexes, whose ages varied from 14 to 70. They were all held arbitrarily; they had no access to a lawyer and had not been tried. Detainees were subjected to various forms of torture but also suffered from lack of medical care and health problems due to malnutrition. Medical examinations of released detainees had revealed pulmonary problems, hip and skull fractures and dermatological infections. Detainees were not allowed to receive visits from their families or humanitarian organizations.

20. His Government urged the Commission to take steps to ensure the closing of Al-Khiam detention camp and the release of the detainees and also of the 34 Lebanese prisoners in Israeli prisons who were also victims of those violations.

21. Mr. KODAGODA (Sri Lanka) said that, first of all, he wished to express his deep appreciation to the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, Mrs. Kalliopi Koufa, for her report on terrorism and human rights (E/CN.4/Sub.2/1999/27). Over the years, the international community had gradually become aware of the problem of terrorism and its relationship with human rights. It had also recognized the difference between entities striving for liberation by internationally accepted means and

terrorist groups. Those who committed indiscriminate violence and assassinated political leaders and human rights defenders could not be accepted as "liberation fighters" but should be condemned as "terrorists".

22. Terrorism not only affected the life and dignity of human beings but threatened the basic fabric of democracy. His delegation was happy to note that the international community had finally come to accept that terrorism was a serious violation of human rights and that, although committed by "non state-entities", should be sanctioned. The international community should play a more active role in deterring and punishing the action of non-state entities. It was also important that States and regional bodies should monitor the activities of terrorist groups even if they did not take place directly on their territory. As in the case of organized transnational crime, dealing with terrorism required international and regional cooperation. The South Asian Association for Regional Cooperation against Terrorism (SAARC) could be cited as an example of an effective regional instrument.

23. There was no denying the work accomplished by domestic and international NGOs in the field of human rights, but it would be commendable if those groups were clearly to condemn the indiscriminate acts of terror perpetrated by terrorist groups. Such an attitude would help States endeavouring to protect the fundamental rights of their population against the violence unleashed by terrorist groups.

24. His was a country that had suffered immensely from terrorism. Several political and community leaders had been assassinated by separatist terrorists. Tens of thousands of innocent civilians has been killed or maimed. On 18 December 1999, the President of Sri Lanka had been the target of a suicide bomb attack commissioned by the Liberation Tigers of Tamil Eelam (LTTE); she had escaped death but had sustained injuries. Terrorist acts had also caused enormous damage to public and private property and had set back economic development. Terrorism had affected other nations too, since the Prime Minister of a neighbouring country had been assassinated by separatist terrorists. On several occasions terrorism had hindered political processes aimed at resolving the ethnic problem in Sri Lanka.

25. His delegation urged the Commission to evolve a mechanism to act effectively against violations of human rights committed by terrorist groups and to impose punitive measures on them in accordance with relevant international conventions.

26. Mr. CHANG Man-soon (Republic of Korea) said he would begin by commenting on the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2000/64 and Add.1). He found it disturbing that 300 new cases of disappearances had been transmitted from 23 countries to the Working Group in the course of the past year. The fact that only 3,000 out of 46,000 cases of disappearances had been resolved since 1980 clearly illustrated the extent of the grave problem and also gave an idea of the difficulties facing the Working Group in its search for solutions. The Commission should discuss means of ensuring the effective implementation of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance.

27. Moreover, the Commission should spare no effort to facilitate progress in the work on the optional protocol to the Convention against Torture, another form of gross violation of human

rights which still persisted in many regions of the world. It should further reinforce the urgent appeal procedure. His delegation, noting with concern that few Governments had replied to the Special Rapporteur's urgent appeals, called upon the Governments concerned to give him their full cooperation.

28. In view of the very useful role of NGOs and the media in the fight against torture, his delegation shared the concerns expressed by the Working Group on Arbitrary Detention in its report (E/CN.4/2000/4) about the increasing number of violations perpetrated against human rights defenders. The Commission should therefore be seriously envisaging the follow-up to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in 1998.

29. In order to enable the working groups to resolve the cases submitted to them, it was indispensable to put an end to the culture of impunity. Perpetrators of human rights violations should be brought to justice in their own countries or elsewhere. His delegation looked forward to an early entry into force of the statute of the International Criminal Court of which the Republic of Korea was a signatory.

30. His Government would continue to take appropriate steps to protect human rights and guarantee civil and political rights more effectively. He mentioned in particular the bill to establish a national human rights commission which would be considered by the new national assembly as soon as it was constituted following the forthcoming general elections.

31. Mr. LESSIR (Tunisia) said that the Commission on Human Rights provided a suitable framework for reflecting on ways and means of better promoting civil and political rights in the world, identifying the difficulties hindering their implementation and helping countries to make progress towards achieving them. For that reason its discussions should be marked by more mutual comprehension vis-à-vis each country's realities, by the desire to progress beyond sterile criticism and by the concern to be objective. As the World Conference on Human Rights in Vienna had reaffirmed, democracy, development and respect for human rights were interdependent and mutually reinforcing. The promulgation of laws in favour of civil and political rights and fundamental freedoms assuredly encouraged the emergence of democratic societies but could not guarantee their durability. The responsibility of Governments was all the weightier and the more delicate in that they were required to create the necessary political, economic, social and legal conditions to ensure the success of the transformation.

32. On the prompting of President Ben Ali, Tunisia had opted to develop a form of society based on the rule of law and the promotion of the human rights and fundamental freedoms of the individual that would be concerned, open and tolerant. In-depth reforms had been gradually undertaken to promote a culture of democracy, strengthen political pluralism and encourage the exercise of public freedoms. New institutions had emerged, such as the Constitutional Council, the Higher Committee on Human Rights and Fundamental Freedom, the human rights units in the principal ministries and the Ministry of Human Rights. The Constitution, which embodied the principle of a multi-party system, had been amended to permit more than one candidate to stand for president. As a result of a new amendment to the Electoral Code adopted in 1998, the opposition parties would henceforth have not less than 20 per cent of the seats in Parliament and

in the municipal councils. The position of choice which women occupied in Tunisia's form of society would be consolidated by the minimum quota of 20 per cent reserved for them at the forthcoming municipal elections.

33. Those reforms had been confirmed by other measures concerning the administration of justice, and criminal justice in particular. The duration of police custody had been reduced from 10 to 3 days, renewable only once, while community service was currently used to replace imprisonment and criminal legislation concerning the prevention of torture had been brought into line with the United Nations Convention against Torture. A bill to establish the second hearing principle in criminal matters was being discussed and a second bill was under study with a view to instituting the post of visiting magistrate. Other steps had been taken to guarantee freedom of opinion and expression, which was the sine qua non of democracy. The Press Code had been amended several times to strengthen the protection of journalists and newspapers. The Ministry of Information had been abolished and the powers of the Higher Council of Communications reinforced. The act on the public financing of political parties of July 1997 had been supplemented by provisions governing support for the newspapers of political parties with a view to the State bearing part of the costs of paper and printing.

34. The report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tunisia (E/CN.4/2000/63/Add.4) called for some comment. It should first of all be remembered that the Special Rapporteur's visit to Tunisia had taken place at the invitation of the Tunisian Government which had always cooperated with United Nations human rights organs. The Tunisian Government had not, however, been consulted before the final version of the report was published. Furthermore, the report contained many inaccuracies and unjustified allegations concerning pluralism, justice, women and the media. The Special Rapporteur had paid little attention to Tunisia's achievements in those areas but had lingered over matters which had not at any time been a subject of discussion with the Tunisian authorities, and had reproduced information given out by certain NGOs of distinctly dubious credibility. The previous day, one of those NGOs had yet again used the Commission to spread lies about Tunisia. Lastly, the Special Rapporteur made no mention of the replies Tunisia had furnished to his earlier communications concerning particular allegations. The Government of Tunisia therefore reserved the right to reply at a later stage to the allegations contained in the report, which it would have liked to be more objective and impartial.

35. Ms. KUNADI (India) said that terrorist acts violated the most fundamental right of all, the right to life, and infringed upon all other human rights. Her delegation thus appreciated the fact that the Special Rapporteur, Ms. Koufa, had examined in detail, in the report she had submitted to the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/1999/27), the impact of terrorism on the life, liberty and dignity of the individual and on social peace and public order. Terrorism was totally at odds with democracy and freedom of expression. By seeking to prevent others from exercising their freedom of expression and opinion and participating fully in the political process of their country, perpetrators of terrorist acts struck at the very roots of democracy. There was also an urgent need to consider the issue of the responsibility of non-state actors who perpetrated terrorist acts. There was too much of a tendency to place emphasis on the human rights of terrorists while ignoring the gross violations of human rights of which they were guilty.

36. Her Government was in complete agreement with the provisions of the Declaration on Measures to Eliminate International Terrorism which stated that nothing could justify terrorist acts and required Member States to refrain from organizing or instigating terrorist acts on the territory of other States or tolerating or encouraging on their territory activities directed at the commission of such acts. Unfortunately, certain States used terrorism as an instrument of foreign policy. A pernicious link between drugs, money laundering and terrorism had also emerged over the years, thus accentuating the threat posed by terrorism to human rights.

37. Her country had been the victim of one of the most brutal manifestations of terrorism aided and abetted by a foreign Power. A neighbouring country that had long coveted the Indian State of Jammu and Kashmir financed terrorist organizations, furnishing sophisticated weapons to them and operating training camps for terrorists on its territory as part of the proxy war it had been conducting against India for the past 10 years. No means were too degrading or inhuman to satisfy its political and territorial ambitions. The armed forces of that country, which provided backing for the terrorists, paid scant heed to the principles of international humanitarian law and committed gross violations of human rights. As the victim of terrorism and fully realizing the grave danger it posed to enjoyment of human rights, India was resolved to promote the efforts of the international community to develop a common approach to combat terrorism. It welcomed the General Assembly's decision to begin negotiations on an international convention on terrorism. She hoped that such a convention would become a first key step towards the elimination of gross violations of human rights by terrorists recruited, trained and financed abroad.

38. As for religious intolerance, her delegation regretted that the Special Rapporteur on that issue had not taken account in his report (E/CN.4/2000/65 and Add.1) of the information furnished by her Government on certain acts of violence committed against the members of a religious minority in India. The Indian Constitution guaranteed the freedom of religion of all its citizens and prohibited all forms of discrimination on grounds of religion. The incidents in question were largely the handiwork of criminal and fringe elements and did not form part of a context of organized incitement to violence against the minority in question. The Government had rapidly taken the necessary steps to protect the members of that minority and to prosecute those responsible. It had more than once stated clearly that there was no room for religious bigotry in India's open and pluralist society and that under no circumstances would it condone such acts.

39. Mr. EL TALIB (Sudan) said that his country was party to all the major human rights instruments and signatory to the United Nations Convention against Torture. Articles 20 and 30 of the Constitution of Sudan, which had been in force since July 1998, provided for the right of every citizen not to be arrested or detained arbitrarily and not to be subjected to torture. The Advisory Council for Human Rights established in 1994, exercised the role of a national human rights commission and investigated all communications concerning violations of human rights addressed to it. The Committee for the Elimination of Abduction of Women and Children had been established in 1999 in response to requests by the Commission in resolution 1999/15. In addition, the National Security Act of 1994 had been amended in order to bring it into conformity with the Bill of Rights enshrined in the Constitution and the Government had signed

a technical assistance agreement with the Office of the High Commissioner for Human Rights (OHCHR) to provide technical assistance to implement human rights instruments more effectively.

40. The Constitution established a separation of powers between the executive, the legislative and the judiciary. The Chief Justice was appointed by the President of the Republic on the recommendation of the Supreme Council of the Judiciary. The period of service of judges and their immunities or the disciplinary sanctions they might incur were determined by law. The establishment in 1998 of the Constitutional Court as the custodian of the Constitution had given an additional dimension to the judicial system in Sudan.

41. Sudan was a multiracial, multicultural, multi-religious and multi-ethnic society with 572 tribes speaking more than 600 dialects. Social and religious tolerance was therefore deeply rooted in the Sudanese conscience and embodied in the 1998 Constitution. Article 24 provided for the right to freedom of creed and worship. Any Sudanese citizen could freely exercise his rights irrespective of sex, colour, religious beliefs, social or economic situation, political status or origin. The Constitution prohibited religious intolerance. It authorized the application of Sharia law in the 16 states of Northern Sudan where the majority of the population was Muslim. More than 336 new churches had been built in those states between 1989 and 1999. His Government had invited Pope John Paul II in 1993 and the Archbishop of Canterbury had visited Sudan in late 1995. In accordance with the provisions of the Constitution, the personal and religious customs, laws and rituals of Christians and other religious groups were duly respected and recognized by the State, whether they lived in the north or the south.

42. His delegation reiterated the desire of the Sudanese Government to respect human rights and fundamental freedoms, particularly freedom of religion and hoped that the international community would recognize its endeavours to improve the human rights situation in the Sudan.

43. Mr. HAMIDON (Observer for Malaysia) said that everyone would agree that democracy, for all its imperfections, remained the best form of social and political organization and provided the best guarantee for the promotion and protection of all human rights. A democratic society was one where the rule of law was clearly established, where the Government respected the civil and political freedoms of its citizens and where the latter had a sense of their responsibilities. The rights and responsibilities constituted the two sides of what might be called the democratic equation.

44. Responsibilities corresponded to some extent to limitations on rights. In the International Covenant on Civil and Political Rights, for example, they were defined by what they sought to defend, namely, public order, public health or morals and the rights and freedoms of others. The delegation which, in a statement under agenda item 9, had spoken of the alleged repression of freedom of opinion and freedom of peaceful assembly in Malaysia had manifestly ignored one of the terms of the aforementioned equation and should reread attentively the International Covenant on Civil and Political Rights. When Malaysia had acceded to independence, its future was considered to be hopeless, particularly as it was a multi-ethnic society with an economy based on the export of commodities. If the country had in fact been successful, it was not only as a result of democracy and a judicious socio-economic policy but also because its citizens, with a sense of a shared common destiny, had shown a great sense of responsibility.

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45. Several speakers had expressed their concern about the suit filed against the Special Rapporteur on the Independence of Judges and Lawyers, Mr. Param Cumaraswamy. Given the complexity of the case, his delegation had a document available to any interested person in which the Malaysian Government gave its detailed views on the issue. His delegation had noted in the paragraphs of the report relating to Malaysia (E/CN.4/2000/61, paras. 193 to 206) some unfavourable inferences concerning the intentions or actions of the Malaysian Government. For example, the Special Rapporteur gave the impression that the local press had given wide coverage to the speech made by the Malaysian Prime Minister to the United Nations General Assembly in September 1999 because it related to the Special Rapporteur himself. Nothing could be further from the truth. The press had given the same prominence to that statement as to any other statement by the head of Government to an important assembly.

46. If the Commission's work was to be truly meaningful, it should not be content with listening to criticism but should also consider the facts objectively and without selectivity or amateurism.

47. Mr. SGARBI (Observer for Uruguay) said that human rights should be protected both by States and by the international community as a whole, the former by adopting laws for the purpose and the latter by continuing to encourage the development of international law. His Government had always condemned violations of the right to life. It therefore supported the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the efforts of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. That draft was an important one since it provided for the establishment of a mechanism to prevent torture, which would operate according to the principles of confidentiality and cooperation.

48. His Government would support all initiatives to establish new instruments to prevent enforced disappearances and punish the perpetrators. It urged the Commission to consider the draft international convention on the protection of all persons from enforced disappearance.

49. At the dawn of the new millennium, every effort should be made to establish a world where human beings would be free to speak and to believe, and free from terror and poverty. All individual and collective efforts should converge on that goal.

50. Mr. REZVANI (Observer for the Islamic Republic of Iran) said that freedom of expression was one of the pivotal principles of civil society and the Islamic Revolution had restored to a place of honour popular and democratic norms, values and principles. The democratization currently in progress in the Islamic Republic of Iran was based on the solid foundation of democratic Islamic principles. The Government was resolutely determined to pursue its reform programmes. In particular, it intended to protect constitutional liberties, uphold the rule of law and democratic norms and institutions, enhance the role of the people in

government, require full accountability of public officials, increase transparency, strengthen the institutions of civil society, promote tolerance and a pluralist society and break down the old barriers in foreign relations.

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51. Concrete measures had been taken in recent years to provide a favourable environment for the full realization of all human rights, including freedom of expression and significant progress had been made with regard to the press. During the last two and a half years, more than 400 new publications had emerged, bringing the total number of newspapers and periodicals to 1,260. The daily press currently had a circulation of 3 million copies, three times what it had been two years previously.

52. Mr. VIGNY (Observer for Switzerland) said that the draft optional protocol to the Convention against Torture should be accepted by a very large majority of States since it emphasized cooperation through what was in principle a confidential dialogue, the purpose of which was to provide States with technical and financial assistance intended to prevent torture by the inspection of places of detention.

53. His Government hoped that the mandate of the Working Group on Arbitrary Detention would be renewed for three years and strongly urged the Working Group to continue developing a follow-up procedure to permit continuing dialogue with the countries to which it had addressed its recommendations. His Government hoped that the Governments of Nepal and Viet Nam would continue to cooperate with the Working Group by implementing the follow-up procedure as the authorities of Bhutan and China had already done. It considered that the Working Group was justified in addressing communications and urgent appeals to Israel concerning detention in Al-Khiam prison, in that it had been established that the South Lebanese Army was acting on behalf of Israeli defence. It further welcomed the fact that the Working Group had been able to visit Indonesia and East Timor in 1999 and that it was intending to visit Australia in 2000 and Belarus in 2001. It regretted, however, that it had been unable to visit Bahrain.

54. In recent years, nearly 50,000 persons had disappeared in 70 countries. In view of the extent and the gravity of the problem, the Commission should consider in depth the draft international convention on the protection of all persons from enforced disappearance adopted by the Sub-Commission. The Secretary-General could invite States and intergovernmental and non-governmental organizations to transmit their observations on the draft to him so as to enable the Commission to assess the timeliness of establishing a working group to consider it. Another alternative could be to entrust an independent expert with the preparation of a revised version of the draft convention in the light of the observations made by States and intergovernmental and non-governmental organizations and by the Working Group on Enforced or Involuntary Disappearances and to submit the revised draft to the Commission at its next session.

55. With reference to extrajudicial, summary or arbitrary executions, the gravity of which Ms. Asma Jahangir had revealed in her report (E/CN.4/2000/3 and Add.1 to 3), it was regrettable that 33 States had failed to reply to any of the communications addressed to them by the Special Rapporteur in 1999, that Yemen had not replied for five years, Cambodia and Papua New Guinea for four years, and Rwanda, Romania and Sri Lanka for three years. His delegation welcomed the fact that the Special Rapporteur had been able to visit Macedonia and Albania in order to evaluate violations coming under her mandate in Kosovo, although she had not yet been able to visit that region of the Federal Republic of Yugoslavia. She had also been able to visit Mexico and East Timor and had received positive replies from Nepal, Turkey and Colombia. It was to be hoped that the same would be the case for Algeria, Sierra Leone, Bahrain and Uganda. His delegation endorsed the Special Rapporteur's conclusions concerning traditional practices affecting the right to life, particularly so-called "honour crimes" and violations of the right to life of persons belonging to sexual minorities.

56. Ms. ANDERSON (Observer for Ireland) said that the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, had once against drawn the Commission's attention in his report (E/CN.4/2000/61) to the issue of the intimidation of defence lawyers in Northern Ireland and the need to initiate an independent judicial inquiry into the murder in Belfast more than 10 years previously of Patrick Finucane, a highly respected defence lawyer. The Special Rapporteur had also expressed concern at allegations that the security forces might be implicated in that murder and at the failure to publish the second Stevens report. Her Government shared those concerns. On 24 February, the Taoiseach (Prime Minister) had reiterated the view that a public inquiry was needed in order to clarify the murder of Patrick Finucane. On 15 March 1999, Rosemary Nelson, a defence lawyer and human rights defender, had died in a car-bomb attack. The Irish Government had repeatedly emphasized that the investigation into her murder must be thorough, transparent and independent. It believed that it was essential that the truth of the circumstances surrounding Rosemary Nelson's death should be definitively established at the earliest possible date.

57. Her Government welcomed the fact that the question of the intimidation of defence lawyers had been considered in the report, recently published by the United Kingdom Government, of the Review Group set up to examine the criminal justice system in Northern Ireland, in accordance with the Good Friday Agreement. It hoped that the recommendations contained in that report would be rapidly and effectively implemented, thus making a positive contribution to the implementation of the Good Friday Agreement.

58. Her Government strongly endorsed the work of the Special Rapporteur on Religious Intolerance. It was deeply concerned at the persecution undergone by many vulnerable groups, such as the Baha'i community in Iran, and the restrictions on the freedom of religion, particularly in Tibet. It should be recalled that all Governments had a duty to respect and protect the rights of all ethnic and religious minorities. As in the past, her delegation would once again introduce a draft resolution on the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. She hoped that the draft resolution would be adopted by consensus, as in previous years.

59. Mr. ZHUSSUPOV (Observer for Kazakhstan) said that his country had initiated a process of democratization with a view to establishing the rule of law. First of all, however, the

country had to re-establish its social and political stability and make a start on economic development through reforms. In legal matters, his Government intended to establish a genuine system for the defence of human rights by incorporating into its legislation the basic principles contained in the Universal Declaration of Human Rights, and hoped to achieve a successful balance between national and international interests.

60. The Constitution enshrined the primacy of the international agreements. His country was a party to the Convention on the Rights of the Child and ongoing reforms were moving it in the direction of acceding to the two International Covenants on Human Rights. The National Human Rights Commission had, in collaboration with the United Nations, organized several human rights seminars and conferences and was endeavouring to implement the recommendations of the United Nations concerning activities to be undertaken in connection with the United Nations Decade for Human Rights Education. As a member of the United Nations and of the Organization for Security and Cooperation in Europe (OSCE), Kazakhstan took its international obligations seriously. The Government supervised the legality of State bodies and the integrity of the judicial system. For example, it had achieved good results in combating corruption and organized crime; it had also succeeded in reducing the number of illegal arrests and ensured that there were fewer and fewer irregularities in investigation procedures and preliminary proceedings. It had taken steps to rehabilitate persons unjustly sentenced under the totalitarian regime. Increasing numbers of complaints were being addressed by the general public to criminal, civil, administrative and arbitration bodies, an indication that the judicial system was showing improvement. Lastly, the Head of State had announced the adoption of a strategic plan to run until 2030 in order to defend more effectively the interests of the State, legal entities and citizens through respect for the law and the Constitution.

61. Ms. SCHONMANN (Observer for Israel) said that ensuring freedom of speech was a difficult task since there was a need for Governments to guarantee freedom of speech on the one hand and combat incitement to violence or hatred on the other. The difficulty was exacerbated by the development of information technologies like Internet which could be used to propagate hatred.

62. Israel was currently facing two crucial questions which aroused controversy - the pursuit of peace and the very nature of democracy as applied in the country, which revealed the need to strike a balance between free speech, the maintenance of public order and the prevention of incitement to hatred. In Israel's multicultural and diverse society, the highest priority was attributed to freedom of expression. The authorities had ensured that a minimum number of limitations were imposed on that freedom. The law had always prohibited incitement to hatred and racism. The Israeli parliament, the Knesset, had stiffened sentences for offences committed with racist intent. Racist parties were barred from participating in national and municipal elections, a policy which had been upheld by the Supreme Court. The assassination of Prime Minister Yitzhak Rabin had produced a significant turning-point in attitudes towards incitement to hatred. The Government had realized that the mechanisms adopted to deal with the problem were inadequate and had accordingly decided to establish a special team in the State Attorney's Office to monitor the situation and enforce the law in such cases.

63. Tragically, manifestations of racism and hate speech were currently increasing. In the Middle East, precisely when intensive efforts were being made to advance the peace negotiations between Israel and its neighbours, numerous Arab countries, including those party to the peace negotiations, were engaging in anti-Semitic propaganda and even holocaust denial to win public support for their cause and to frustrate any step towards normalizing relations with Israel.

64. Freedom of expression was a two-edged sword. It could be used to unleash hatred or to enhance respect and tolerance between peoples and neighbours. In the latter case, it could further the cause of peace and cooperation among nations.

65. Mr. REYES (Cuba), speaking on a point of order, protested against the statement to be made on behalf of Nicaragua by Mr. Luis Zuñiga, who was mentioned by name in connection with terrorist activities on pages 13 and 16 of the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2000/14). His delegation opposed the presence in the Commission of a notorious confirmed terrorist who had been involved in or who had encouraged activities against the people of Cuba. He asked the Secretariat for details of the form and legitimacy of Mr. Zuñiga's accreditation.

66. Mrs. IZE-CHARRIN (Secretary of the Commission) read out a note verbale from the Permanent Mission of Nicaragua to the effect that, as from 29 March 2000, Mr. Luis Zuñiga would join the Nicaraguan delegation to the fifty-sixth session of the Commission. Mr. Luis Zuñiga was therefore duly accredited.

67. Mr. REYES (Cuba) said that a mere diplomatic note and a disguise as a diplomat could not obliterate the perpetration of terrorist activities and that the Commission, in its role of promoting and protecting human rights, was not required to listen to persons who had precisely worked in violation of those rights. He requested that his protest be reflected in the summary record of the meeting.

68. The CHAIRMAN reminded delegations that they were expected to adhere to the propriety of language that was obligatory in the Commission and said that he would not tolerate remarks which ran counter to the harmonious progression of the Commission's deliberations.

69. Mr. ZUÑIGA (Observer for Nicaragua), having first protested against the slanderous remarks made about him, began his statement under agenda item 11, by saying that, after years of struggle both inside and outside the country, the people of Nicaragua were at last able to live in peace in a country where everything possible was being done to promote and protect comprehensively all human rights. Human rights were indivisible and none were more important than the others. Experience had shown, however, that, in the absence of civil and political rights, economic, social and cultural rights were not respected.

70. By and large, democracy went hand-in-hand with development, as could be confirmed by countries which for years had been under dictatorships but had currently opted for democracy. In all countries, it was the political authorities which took decisions concerning the allocation of the available national resources. If those authorities respected civil and political rights, they could remedy violations of economic, social and cultural rights, by, for instance, prosecuting

their perpetrators. The epoch of the dictators was drawing to a close. The new millennium was one of democracy, freedom and human rights and the independence of the State authorities was indispensable to the combat against impunity. It was to be noted that individual and collective freedom of expression was fully guaranteed in Nicaragua. In particular, there were no restrictions on the Nicaraguan press.

71. After the painful experience of the violation of civil and political rights, the Government of Nicaragua called on the international community to continue to work towards an effective implementation of all human rights along with respect for human dignity without any discrimination.

72. Mrs. RUIZ de ANGULO (Observer for Costa Rica) described the various initiatives taken by Costa Rica, nationally and regionally and within the United Nations system, to promote and protect human rights. In collaboration with all the Latin American countries, it had initiated action to strengthen the regional system for the protection of human rights through the establishment of a standing Inter-American Court to which any individual who considered that his rights had been violated could have direct recourse.

73. It was also Costa Rica that, in 1991, had submitted to the Commission a draft text for an optional protocol to the Convention against Torture, the central idea of which was to establish a system of inspections of places of detention by a committee of experts. Cooperation and confidentiality were the two essential principles on which the instrument in question, of a preventive and non-punitive character, was based. Its purpose was to help the States parties improve the protection of persons deprived of their freedom. A constructive dialogue between the sub-committee of experts which would be set up under the protocol and the State party concerned would enable practical and confidential recommendations of a technical nature to be formulated on the best means of preventing torture. Prevention was the most effective means of avoiding human rights violations; hence the importance of the draft optional protocol. Every effort should accordingly be made to achieve a final text. Her delegation welcomed the efforts of the various delegations that had taken part in the work of the working group responsible for drafting it; she complimented its chairperson and urged her to begin informal consultations before the next session.

74. Her delegation also welcomed the activities of the United Nations Voluntary Fund for Victims of Torture. It also hoped that the draft international convention on the protection of all persons from enforced disappearance, submitted to the Commission by the Sub-Commission in 1998, would be considered in the near future.

75. Mr. EL-AMINE (Observer for Algeria) said that, since his election in April 1999 and in the context of the implementation of his electoral programme, the new President of the Algerian Republic had given priority to the rapid and lasting restoration of civil peace. It was necessary to consolidate the rule of law for that purpose, promote and protect human rights and give a new impetus to cooperative relations with the various mechanisms for the protection of human rights.

76. In political terms, that desire had materialized in the adoption of the civil concord act of 12 July 1999 which had been approved by a substantial majority in the popular referendum

of 16 September of that year. In order to consolidate the concord, the President had pardoned a large number of persons, including individuals sentenced in the context of the combat against subversion and terrorism, while many untried prisoners had been released.

77. The judicial system was undergoing in-depth reform in the hands of an independent national commission, the main lines of which were the strengthening of the protection of human rights and public freedoms and the guaranteeing of the independence of the judiciary. The measures adopted on 15 March 2000 as part of the reform were intended to ensure effective control of the judicial police by the Government Procurator's Office, to introduce systematic medical inspections into places of detention, to guarantee the prisoner's right to communicate with his family and to improve conditions of detention.

78. Internationally, Algeria was prompted by a desire for dialogue and cooperation with all those involved in human rights of which the permission given to the Red Cross to visit the prisons of its choice and to meet prisoners unsupervised was part. The mission of Mr. Soarés and the European Union Troika and the visit of numerous foreign delegations of parliamentarians and journalists were proof of his Government's spirit of openness and dialogue. Four NGOs which had expressed the wish to visit the country would do so in May at the invitation of the Algerian authorities.

79. His Government had replied regularly to the communications submitted by non-conventional mechanisms. His delegation would nevertheless have liked some discussion of their working methods during the meetings of the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights. It was convinced that the establishment of clear rules and specific criteria would confer greater pertinence, transparency and therefore effectiveness on the work of those mechanisms.

80. Mr. MERIC (Observer for Turkey) said that terrorism, which targeted innocent civilians and aimed at destabilizing legitimately constituted democratic Governments and undermining the rule of law, had emerged as a new problem to be remedied by the international community. No nation was immune to terrorism. All necessary steps should be taken, in accordance with international law, to prevent and eliminate it in all its forms. The members of the international community must live up to their commitments not to provide a safe haven for terrorists and to bring them to justice.

81. There was a clear link between the combat against terrorism and the protection of human rights since terrorism was accompanied by the violation of fundamental human rights, and particularly the right to life. In his Government's view, the argument that human rights violations could be committed only by States but not by individuals or groups was inadmissible. His Government also considered that reducing human rights violations by terrorists to mere abuse of the human rights of the victims provided an incitement to terrorism.

82. His Government had taken note with satisfaction of the preliminary report of the Special Rapporteur on terrorism and human rights submitted to the Sub-Commission in 1999 (E/CN.4/Sub.2/1999/27) although it regretted that the report did not discuss the question of impunity accorded by some States to terrorists. It recalled, in that regard, the obligation which flowed from Article 4 of the Charter of the United Nations, namely, the commitment of every

member of the international community not to provide a safe haven and not to grant impunity to terrorists. In her forthcoming reports, the Special Rapporteur should also place more emphasis on the content of the resolutions adopted by the Commission. His delegation would, along with other like-minded States, submit a new draft resolution on the question.

83. Mr. EFTYCHIOU (Observer for Cyprus) said that, despite the efforts of the international community, disappearances continued to take place in various parts of the world while the families of missing persons were still ignorant of the fate of their relatives. Such was the situation of families in Cyprus whose members had disappeared after the Turkish invasion of 1974. Despite all the efforts by Cyprus and the appeals to the Republic of Turkey, the work of the Committee of Missing Persons was at a standstill as a result of conditions put forward by the Turkish Cypriot side. His delegation appealed once again for the reconvening of the work of the Committee without conditions and for the implementation of the agreement of 31 July 1997, out of respect for the dignity of the missing persons and their families.

84. His Government remained seriously concerned over the systematic destruction of the cultural heritage of the occupied sector of the island. The list of archaeological sites and museums that had been plundered and destroyed was extremely long. It was an established fact that nearly all Orthodox places of worship had also been looted and destroyed or converted into stables, hay stores or even motels, bars or cinemas as part of a deliberate policy to obliterate every trace of Greek culture which went back to the seventh millennium B.C. To that end the occupation regime had given Turkish names to towns, villages and regions. By such acts, the Government of Turkey was systematically violating the international instruments to which it was a party.

85. The systematic destruction of the religious, historical and cultural identity of a country was an insult to human dignity and a provocation to the international community which had endeavoured through treaties to protect the international cultural heritage. Its disappearance constituted an irreparable loss for all mankind.

Statements in exercise of the right of reply

86. Mr. HUSSAIN (Observer for Iraq), referring to the statement made at the previous meeting by the head of the delegation of Saudi Arabia concerning missing persons, said that it was a purely humanitarian problem and came within the context of international humanitarian law. Iraq itself had 1,150 missing persons, the files on whom had been handed over to the competent institutions. His Government had always made efforts to find a solution to the question of disappearances and was prepared to continue its cooperation with the parties concerned under the auspices of the International Committee of the Red Cross (ICRC) despite attempts by certain circles to exploit that humanitarian problem in order to perpetuate the embargo against Iraq. As to how the body of a Saudi Arabian pilot should be repatriated, his Government was prepared to come to an understanding with Saudi Arabia under the auspices of the ICRC.

87. Mr. ABDELRAHMAN (Sudan) said he categorically rejected the unsubstantiated allegations made by the representative of the United States at the previous meeting concerning the persecution suffered by Christians and believers in traditional African religions in Sudan.

Under the religious freedom guaranteed by the Constitution, several hundred churches had been built in 1998-1999 in the 16 northern states; in the south, where the majority of the population was Animist, shariah was not applied. As far as child slavery was concerned, his Government was aware of the problem and, in 1999, had established a Committee for the Elimination of Abduction of Women and Children, which had been able to find 700 people and reunite them with their families. The United Nations General Assembly, in a resolution of November 1999, had welcomed the action of his Government in that regard.

88. His Government reiterated its firm resolve to respect the fundamental rights of all its citizens. It invited the Government of the United States to assist it in bringing about a lasting peace in the country instead of levelling insulting and unsubstantiated allegations at it.

89. Mr. AL-ERYANI (Observer for Yemen) thanked the Special Rapporteur on extrajudicial, summary or arbitrary executions for her work. There had been no recent extrajudicial executions in Yemen where the practice was prohibited by law. The protection of human rights was irreversible, as his delegation had already asserted, particularly following the establishment in 1998 of a commission for the protection of human rights. A cooperation agreement had recently been concluded between the Government and the High Commissioner for Human Rights during the latter's mission to Sanaa and his Government intended to put that cooperation into active practice.

90. Mr. LIU Jing (China) said he noted that some Western countries and NGOs had formulated unfounded allegations against China under agenda item 11, particularly concerning the Falun Gong movement, which was not, in fact, a religion but an evil cult which used psychological pressure to influence people, in particular by forbidding them to have recourse to medicine. According to estimates, more than 1,500 persons had died as a result. Most members were not aware of the cult's insidious practices or its true intentions. Any Government would act as the Chinese Government had done to protect society and the family. The Chinese Government had endeavoured to dissuade members of the cult without resorting to force and had only punished individual criminals who had broken the law, under article 300 of the Penal Code. Westerners who denounced the Government's handling of Falun Gong had shown no sympathy at all for the tens of thousands of victims of a dangerous cult. They had not hesitated to slander China, with a hidden agenda that had nothing to do with defending human rights. Their attitude should stand condemned by the international community.

91. Mr. HAMIDON (Observer for Malaysia) said he had some comments to make following the statement the previous day by the Asian Cultural Forum on Development concerning the detention of Mr. Anwar Ibrahim, former Deputy Prime Minister of Malaysia. Mr. Anwar had organized demonstrations to topple the legitimately elected Government as a result of which the Government had been forced to take steps to preserve order and legality. Contrary to the image people wished to give of him, Mr. Anwar was neither a reformer nor a champion of democracy. The sincerity of a person who demonized a Government of which he had been a part for 17 years, merely because he had been ousted from power, might well be doubted. The lawfulness of his trial, one of the longest and most complex Malaysia had known, could not be questioned since it had been public and widely reported by the international media. As for the injuries inflicted on Mr. Anwar, which had shocked the Prime Minister himself, they had led to an investigation as a result of which the former chief of police had been tried and sentenced.

92. An appeal had been made to the Commission to seek justice on the pretext that there was no justice in Malaysia; that was untrue. In a democracy, the final court of appeal was the people. In the 1999 elections, the party in power had been returned by a large majority and, in a very recent election, it had collected even more votes.

93. Mr. DUONG CHI DUNG (Observer for Viet Nam) said he wished to correct the distorted picture of the situation in Viet Nam that had emerged from the tendentious statement by the International Federation of Human Rights Leagues. His Government had always endeavoured to protect fundamental rights and freedoms in civil, political, social, economic and cultural life. It attached great importance to the exercise of the freedom of the press in particular. The allegations contained in the statement by the NGO in question were therefore totally unfounded.

94. Mr. Ibrahim (Sudan), Vice-Chairman, took the chair.

95. Mr. GAZIOGLU (Observer for Turkey) said that the question of missing persons in Cyprus had not started in 1974 but in 1963; the Greek Cypriot representative had conveniently forgotten that fact since it had been Turkish Cypriots only who had gone missing between 1964 and 1974. If the Greek Cypriot side was sincere in wishing to settle the problem of the missing persons, it should begin by clarifying the fate of the victims of the July 1974 coup d'état. Everything indicated that most of the missing Greek Cypriots had been killed in the course of the internecine war during the coup. The Greek Cypriot authorities had had the opportunity to observe in 1999 that all the bodies discovered in unnamed graves in Lakatamia military cemetery appeared on their missing persons' list. In order to settle the problem, it was essential to determine the exact number of Greek Cypriots claimed to be missing when their deaths were known to the authorities. It might legitimately be asked why the Greek Cypriot administration had not submitted the list of Greeks killed in action and buried on its territory to the Committee on Missing Persons in Cyprus.

96. The allegations against Turkey of attacks on the cultural heritage had been refuted by respected international sources, including the Council of Europe's Committee on Culture and Education. It was, in fact, the Greek Cypriot side which had always tried to eradicate all traces of the Turkish-Muslim heritage of Cyprus, as could be seen from the arson attack in 1999 on a mosque, one of Islam's most sacred shrines, in the south of the island.

97. Mr. EFTYCHIOU (Observer for Cyprus) said that the statement by the representative of Turkey did not alter the incontestable facts of the looting and destruction of the cultural heritage of Cyprus and was merely an attempt to divert attention through misrepresentation. Moreover, he had been able to quote only a single example of criminal activity, which came under common criminal law and could not be compared with the premeditated activity of the Turks. The Turkish efforts were clearly aimed at obliterating the cultural heritage of Cyprus in the occupied zone after ethnically cleansing the area, but they would not succeed, since the Greek Cypriots would do everything in their power to save their 7,000 year old heritage and culture.

98. With reference to the issue of the missing persons, he would take care not to exacerbate the controversy by making unfounded allegations. He once again called upon Turkey to rise

above political expediency and to put an end to the human drama in a spirit of humanity and cooperation. The families of the missing persons, whether Greek or Turks, all had the right to know the truth about the fate of their relatives.

99. Mr. COLE (Nigeria), referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3), according to which persons charged with crimes committed before the age of 18 had allegedly been executed in Nigeria, said he strongly contested that assertion. The report did not reveal the victims' names. According to an investigation by the Nigerian authorities, however, they were Mr. Chidebere Unuoha and Mr. Okafor, sentenced in 1997 for armed robbery. The court archives confirmed that Mr. Chidebere Unuoha was over 18 at the time of committing the offence and he had been executed in accordance with Nigerian law which still had the death penalty on its statute books. Mr. Okafor for his part had been given a prison sentence only since he had been under 18 at the time of committing the offence.

100. Mr. Chidebere Unuoha had been executed in accordance with the law and his case did not constitute a failure to comply with Nigeria's international obligations under the Convention on the Rights of the Child. The fact that one of the accused had not been executed was proof of the Nigerian Government's desire to meet its international commitments.

101. Mr. GAZIOGLU (Observer for Turkey) mentioned an article by the well-known Greek Cypriot journalist, George Lanitis, published in an English-language weekly. In the text, dated 1 May 1998, the author said that he and many other journalists had been used and manipulated by the Greek Cypriot Government which had sought to propagate tendentious information concerning the situation of the relatives of missing persons. The responsibility of the Greek Cypriot administration, which exploited the grief of the families for political ends, was clear. It was a flagrant violation of human rights since the administration was deliberately deceiving the persons in question and giving them false hopes for propaganda reasons although it well knew that the missing persons had been killed and buried in mass graves by their own kinsmen during the coup d'état orchestrated by Athens.

102. Mr. EFTYCHIOU (Observer for Cyprus) recalled that, in a television broadcast, Mr. Denktash, the Turkish Cypriot leader, had callously admitted that Greek prisoners of war had been handed over by the Turkish army to Turkish Cypriot paramilitary forces and executed. In a 1983 report, the European Commission of Human Rights had observed or discovered indications that persons who were still missing had been arrested by the Turks in 1974 and that Turkey had failed to account for their fate. The Commission had concluded that Turkey had violated Article 5 of the European Convention on Human Rights.

103. He expressed surprise that the representative of Turkey had chosen to take affront at his short statement on a purely humanitarian matter, intended to apprise the Commission of the most tragic aspect of the situation in Cyprus and to call for the assistance of everyone in resolving it. With no wish to fuel the polemics, he would limit himself to renewing his appeal to the Turkish side to collaborate in the efforts to put an end to the human drama of the families of the missing persons on both sides, who had the right to be informed of the fate of their relatives.

The meeting rose at 6.20 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 April 2000, at 6.20 p.m.

Chairman: Mr. IBRAHIM (Sudan)
(Vice-Chairman)

later: Mr. JAKUBOWSKI (Poland)
(Vice-Chairman)

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The meeting was called to order at 6.20 p.m.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

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(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2000/3 and Add.1-3, 4 and Add.1-2, 9 and Add.1-3, 54-56 and Add.1-2, 57-60 and Add.1, 61 and Corr.1 and Add.1-2, 62, 63 and Add.1-4, 64 and Add.1, 65, 115, 125, 126, 132, 133 and 135; E/CN.4/2000/NGO/2, 6, 9, 10, 20, 27, 29, 33, 41, 45, 50, 60, 62-64, 78-81, 91, 92, 95, 104-106, 111, 118, 126, 129-135, 138, 141 and 143; E/CN.4.Sub.2/1999/27; A/54/177 and Corr.1)

1. Mr. MADADHA (Observer for Jordan) said that the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) wrongly stated that some 25 women were killed for crimes of honour each year in Jordan; that represented one in four of the total number of homicides. According to figures published by the Jordanian Public Security Department, 20 out of 105 murders committed in 1997 had been crimes of honour and, in 1998, the number had decreased to 6 out of 92, all of which had been prosecuted. The Jordanian authorities did not "maintain a deadly and deliberate silence" about honour killings. Following the national appeal by the late King Hussein to shun violence against women and children, there had been a sharp drop in honour crimes; King Abdullah II had called for any laws that might be deemed discriminatory against women to be amended and, under his instructions, the Government had drafted a bill to repeal article 340 and terminate the absolving excuse. Unfortunately, the bill had twice failed to be adopted by the Lower House of Parliament, whose democratic rights could not be overruled. However, the repeal of the article would in itself not suffice. Crimes of honour were the result of social pressure and indoctrination and traditions and customs could not be changed overnight.

2. With regard to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2000/64 and Add.1-2), he requested that a corrigendum to paragraph 61, which had been formally recognized to contain erroneous information, should be issued in accordance with normal United Nations procedures and that the corrections should appear in the official records.

3. He was happy to report that a Royal Commission for Human Rights, which was to be headed by H.M. Queen Rania and would be particularly concerned with issues affecting women and children, had been established. That measure reflected Jordan's profound attachment to human rights, which it believed that the United Nations had done so much to promote, particularly through its technical assistance and advisory programmes and its monitoring bodies and special rapporteurs.

4. Mr. TEKLE (Observer for Eritrea) said that, despite an imposing array of United Nations instruments affirming and protecting the right to a nationality, including article 13, paragraph 2, of the Universal Declaration of Human Rights on the right to return to one's country, the deprivation of those rights was being deliberately practised to promote and consolidate the political power of minority racist regimes. Some States had employed the tactic of denying that persons deported by them on grounds of ethnicity were citizens. If such expedients were admissible, there could be no legal limits to the ethnic cleansing of an unwanted portion of a population. His delegation believed that such a mockery of human rights would increasingly be practised unless the international community dealt effectively with the issue of impunity. On that point, it was encouraged by the International Law Commission's recent conclusions on principles relating to nationality and by the precedent set by the Statute of Rome of the International Criminal Court in July 1998.

5. Mr. SANNIKOV (International League for Human Rights), speaking also on behalf of Charter 97, a Belarusian citizen's human rights initiative, said that it was essential to follow up the report of the Special Rapporteur on the right to freedom of opinion and expression (E/CN.4/2000/63 and Add.1-4), which had criticized the situation in Belarus, particularly because of the further deterioration that had occurred since his visit. The regime had lost its legitimacy in July 1999, when President Lukashenko's term of office had expired. The subsequent increasingly severe restriction of freedom of expression had been applied by means of the State monopoly on radio and television and the use of economic measures, including a sharp increase in distribution costs and bans on advertising by State-controlled companies in the independent press. In January 2000 the State Committee on the Press had taken further repressive measures, including closing newspapers down for publishing information "harmful to State interests". It had become apparent that the forthcoming parliamentary elections could be neither free nor fair in the absence of freedom of the press and free public debate. Attempts by democratic forces to protest by holding peaceful demonstrations had been met by violent repressive measures against participants, including Belarusian and foreign journalists. More generally, opponents of the regime were subject to phone tapping and the harassment of their families.

6. He called on the Commission to appoint a Special Rapporteur on Belarus and to organize visits to Belarus and follow-up meetings with the Government.

7. Mr. TEHRANI (Organization for Defending Victims of Violence) said that there was serious concern at the international and national levels about threats to the free flow and balanced dissemination of information resulting from advances in communication technology, which could create obstacles to the promotion of multiculturalism, particularly as a consequence of selectivity imposed by private ownership and monopoly. At the national level, the exercise of freedom of opinion and expression was an important factor in promoting the growth of open

societies, as shown by encouraging signs of progress in Iran. He called on the Commission and its Special Rapporteur to report violations of the free flow of information, which the United Nations should endeavour to promote as widely as possible, particularly because of the gap between rich and underdeveloped countries.

8. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples), citing examples of continuing grave abuses of human rights, said that Mr. Akin Birdal, Vice-President of the Turkish League of Human Rights, had been sent back to prison yet again after miraculously surviving shooting by fascist aggressors, his crime being to have expressed a rational view on the armed conflict in Kurdistan. The United States authorities were refusing to allow the American Indian, Mr. Leonard Peltier, to be transferred for an operation on his seriously diseased jaw. In Iran, courts were continuing to hand down shocking sentences, such as stoning, amputation, flogging and even castration. The common use of torture, mentioned by the Special Rapporteur on torture, was illustrated by the 1995 murders of three Protestant clergymen, which had first been attributed to the opposition, although it had subsequently turned out that the murderers belonged to the intelligence service. The Iranian judicial authorities should also be required to account for the fate of a large number of students arrested after a peaceful demonstration in July 1999, four of whom were known to have been sentenced to death. In that case and in the case of the Jews arrested for spying for Israel, there was a complete lack of clear and reliable information.

9. His organization called on the Commission to adopt a strong resolution on the aberrant methods of Iranian justice.

10. Mr. RAVENNA (Asamblea Permanente por los Derechos Humanos) said that his organization joined other NGOs in calling for the prompt ratification of the Rome Statute establishing the International Criminal Court and was concerned about the considerable amount of time it was taking the Government of Argentina to do so.

11. It was also concerned about the reluctance of some Latin American States to allow the monitoring of the implementation of human rights and, in particular, about the July 1999 decision by the Government of Peru to remove itself from the jurisdiction of the Inter-American Court of Human Rights. Similarly regrettable was the proposal by the Governor of the Province of Buenos Aires that his country should withdraw from the Pact of San José de Costa Rica and the inexplicable failure by a number of Latin American countries to ratify that Pact. It had still not been ratified by the United States 30 years after its signature and had neither been adopted nor ratified by the Bahamas, Belize, Canada, Cuba, Guyana, St. Kitts and Nevis, San Vicente, the Grenadines and Santa Lucia.

12. With regard to the Pinochet case, his organization supported the legal action taken outside Chile and hoped that that international criminal would be duly tried in his own country. The issue of impunity also arose in connection with the promotion in rank of military personnel who had been involved in serious violations of human rights during the period of dictatorship from 1976 to 1983, which had recently been approved by the Argentine Executive, despite protests by human rights organizations in Argentina.

13. Mr. AKH'YAD (Transnational Radical Party) said that the signature of international human rights instruments had not stopped States from continuing to violate the human rights of their peoples. An example was the action of the Russian Government, which, on the basis of unproven allegations that Chechens had been responsible for the bombings of residential blocs in Russian towns, had unleashed a military assault on Chechnya that had so far claimed 140,000 victims. One episode might be singled out to illustrate the multiple horrors of the campaign: on the night of 6 February 2000, a 17-hour bombardment had rained down on the settlement of Gekhi-Chu, followed by an assault by over 500 soldiers which had resulted in the destruction of all dwellings and the deaths of 60 inhabitants, including women and children. He called on the Commission to investigate the Chechnya situation and place it on the agenda of its next session.

14. Mr. MANCISIDOR (Fédération des Associations pour la Défense et la Promotion des Droits de l'Homme), drawing attention to paragraph 77 of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3), said that not only the support of paramilitary groups by government forces mentioned therein, but also the deliberate targeting of the civilian population were confirmed by document E/CN.4/2000/NGO/50. The document also cited evidence of subsequent impunity in the case of the deaths of a Spanish citizen, Iñigo Eguiluz Telleria, and a Colombian priest, Jorge Luis Mazo, murdered on 18 November 1999 in the performance of their humanitarian activities by a group of paramilitaries with the complicity of civil and military authorities in the region. The denial of the right of representatives of the victims to participate in the judicial inquiry and irregularities in the handling of relevant documents were a clear violation of the right to due process of law. His organization called on the Colombian Government to demonstrate its determination to combat paramilitarism and impunity, and requested the Commission to urge its members, especially those from the European Union and the United States, to make all international aid to Colombia that might be used for military or police actions in violation of human rights conditional on respect by Colombia for those rights and, in particular, objectively verifiable results of action to combat paramilitarism and impunity.

15. Given the seriousness of impunity in cases of human rights violations, the Commission should also review the effectiveness of its mechanisms, including regional systems, for the protection of human rights, particularly in view of Peru's recent decision to withdraw its recognition of the jurisdiction of the Inter-American Court. At the collective level, the International Criminal Court would have an essential role to play and it was regrettable that so many countries, including the United States, Russia, China and India, had not yet ratified the Rome Statute.

16. Mr. RAI (Liberation) said that the claim by the Deputy Prime Minister of Yemen that his country had introduced measures to improve human rights was not borne out by the facts: the Local Authority Law was undemocratic; the National Committee for Human Rights was run by security and intelligence people, themselves accused of violations; protection against kidnapping and murder was inadequate; illegal detentions, torture, enforced disappearances and extrajudicial executions continued; there was no right to a fair trial or freedom of expression; and the security agencies had continued their armed aggression, killing and wounding many civilians. The Commission should urge the Yemeni Government to pursue a programme of comprehensive national reconciliation and reform its economic, judicial and constitutional systems.

17. His delegation was also concerned about the illegal arrest of a British resident, Balbir Singh Bains, by the Indian authorities and his detention, torture and indictment for carrying explosives - at the time he had been in police custody. His detention was known to United Kingdom Members of Parliament and journalists. The fabrication of charges involving explosives had become common in the Punjab, as shown by a recent Indian court judgement accusing the main Indian investigative agency of fabricating evidence. Those were among the signs of the deterioration of standards in Indian judicial practice, which had been commented on by the Chief Justice.

18. His organization was also concerned about the persecution of Christians and Muslims in India and about the growth of religious intolerance in the Punjab, including interference with Sikh religious institutions and practices.

19. Other matters of grave co... ern included the continuing practice of torture in detention centres and prisons in Bahrain and violations of the human rights of the Kurdish people in various territories. His organization maintained its criticism of the denial of food and medicine to the people of Iraq through the internal exploitation of international sanctions.

20. Mr. NAIR (South Asia Human Rights Documentation Centre) said that the human rights situation and the climate of impunity in Kashmir were profoundly disturbing. The situation was being exacerbated by the mutual recriminations of the two States parties concerned and the trivialization of its serious statements by government-organized NGOs. An illustration was the attack by police and paramilitaries against a procession in the outskirts of Anantnag which had killed 7 people and injured 11 others who were merely seeking to submit a memorandum to the authorities seeking a halt to routine kidnappings and disappearances. The Indian Government often cited punishments meted out to guilty officials but, unless the names, ranks and other details were provided to establish accountability, justice would not be seen to be done. Impunity was in fact receiving official licence through such legislation as section 197 (2) of the Indian Code of Criminal Procedure, which stated that "No court shall take cognizance of any offence alleged to have been committed by a member of the armed forces while acting in the discharge of his official duty, except with the previous sanction of the Central Government". India had yet to ratify the Convention against Torture and had filed reservations nullifying some of its important provisions. The Government had also refused to invite the Special Rapporteur on torture to visit the country despite repeated requests.

21. Mr. ESHAGHI (Nouveaux Droits de l'Homme) said that the Iranian judicial system had been responsible for over 120,000 political executions, hundreds of thousands of arbitrary arrests and the use of 175 forms of torture. In his recent report, the Special Rapporteur had observed that, in Iranian courts, defendants were deprived of the rights to a fair trial recognized by the international community. In the 1997 Law on the Registration of Advocates, they were required to be practising Muslims, to be committed to the Islamic Republic and never to have been associated with groups hostile to Islam and the Islamic Republic. The Special Rapporteur had also referred to grave deficiencies in the treatment of detained persons awaiting trial, forced confessions, overcrowded prisons, the continued existence of detention centres outside the official prison system and the denial of the right to a fair trial. Torture and associated abuses were an integral part of the Iranian judicial system and he drew the Commission's attention to the existence of a video-cassette which had been made by the authorities of Ghast prison in

Tehran, had been smuggled out by the Iranian resistance and showed the commission of such atrocities as the tearing out of eyes and the amputation of fingers. It was a matter of the greatest urgency that steps should be taken to halt such barbarous practices, including the adoption of a strong resolution to that effect by the Commission.

22. Mr. REICH (Freedom House) said that, together with North Korea and Viet Nam, Cuba was one of the top three on his organization's annual list of "The most repressive regimes in the world". Despite the belief in many countries that Cuba was loosening the reins of State control, it was in fact moving towards greater repression. A new "anti-subversive law" adopted in 1999 imposed prison sentences of up to 20 years for unauthorized contacts with foreigners and the possession of subversive materials; the few remaining independent journalists were being persecuted; Cuba had one of the highest rates of political prisoners in the world; it was believed that there were over 400 such prisoners, many sentenced on such vague charges as "disseminating hostile propaganda" or "dangerousness". Perhaps the most striking illustration of the repressive use of the judicial system had been the trial and conviction of four leaders of the Internal Dissidents' Working Group, one of whom had been sentenced to five years' imprisonment, two others to four years each and the fourth to three-and-one-half years. Another victim was the President of the Lawton Foundation for Human Rights, who had been sentenced to three years' detention, expelled from the national health system and, along with his family, evicted from their home. Freedom House urged the Commission to carry out a full investigation of the human rights situation in Cuba as a mark of solidarity with the small and isolated democracy movement in that country.

23. The Commission should also investigate the Chinese Government's illegal detention and inhumane treatment of Falun Gong practitioners under the Convention against Torture and its offences against freedom of expression and religious tolerance under the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Falun Gong was a peaceful, spiritual discipline rooted in ancient Chinese culture, but, in the latter half of 1999, more than 35,000 practitioners had been arrested in Beijing alone, at least 5,000 sent to labour camps and over 500 sentenced to periods of up to 18 years in prison in a series of show trials. A 31-year-old pregnant practitioner had been pressured to have an abortion and severe torture in custody was widely reported.

24. Ms. ZARTNER (Human Rights Advocates, Inc.) said that, despite article 3 of the Convention against Torture providing no State party should expel, return or extradite a person to another State where there were substantial grounds for believing that he would be in danger of being subjected to torture, individuals seeking refuge were often detained, harassed and returned to their countries of origin without even a cursory examination of the basis of their fears. The importance of that article deserved the widest recognition because it afforded greater protection against "refoulement" than the provisions of other human rights instruments, particularly since it allowed no exceptions where torture was involved. Nevertheless, a number of countries disregarded the non-refoulement provision of the article, including Australia, Bulgaria, Libya, Mauritius, Russia, Senegal, the United Kingdom and the United States of America. The Committee against Torture, established to monitor the implementation of the Convention, was limited in its activity by the fact that violations by States came before it only when they submitted their periodic reports or allowed the Committee to carry out investigations within their territories - both of which many States failed to do. Her organization called on the Commission

to include a reminder to States in any resolution on torture to fulfil their human rights obligations, both on general grounds and specifically in compliance with article 3 of the Convention against Torture.

25. Mr. BRAFF (General Conference of the Seventh-Day Adventists) said that the rise of religious extremism and anti-religious sectarianism was anachronistic and profoundly disturbing. The mere fact of publishing and distributing lists of "dangerous" sects was a prima facie violation of article 18 of the Universal Declaration of Human Rights, and it was also a matter of surprise that the French and Belgian Governments should have established inter-ministerial missions to combat sects. The Seventh-Day Adventist community had also been shocked by the destruction of their one church in Turkmenistan on 14 November 1999 in what had appeared to be a consequence of the 1994 legislation directed against religious minorities. His organization hoped that the Government of Turkmenistan would reconsider its position.

26. He congratulated the Special Rapporteur on his excellent work on freedom of religion or belief and expressed appreciation of the Indian authorities' decision to allow the World Conference on Religious Freedom to be held in New Delhi in 1999. His organization also thanked the United Nations for its role as mediator with Governments in promoting the replacement of confrontation and persecution by dialogue.

27. Ms. HUANG (Robert F. Kennedy Memorial) said that her organization was particularly concerned about human rights violations in the administration of justice. Despite the action taken by the Commission at its fifty-fifth session, calling on the Colombian Government to institute judicial proceedings against members of the armed forces implicated in violations, to reform the Military Penal Code, to dismantle paramilitary forces and prosecute their members and to implement measures to protect human rights defenders, there had been no adequate response. Although three generals had been cashiered, no public emphasis had been placed on the human rights aspect of their offences and none had been prosecuted; the new Military Penal Code, which still permitted the military justice system to investigate and judge all cases of human rights violations, could not take effect until implementing legislation had been passed; far from being disbanded, paramilitary forces continued, as the High Commissioner for Human Rights had pointed out, to enjoy the support or tolerance of State agents; and attacks against human rights defenders, journalists and union leaders continued unabated. Moreover, impunity for human rights violations continued to be virtually total. The Commission should continue to monitor the situation in Colombia and provide all possible support for the High Commissioner's office in Bogotá.

28. Although the newly elected civilian Government in Indonesia had appointed a special State Minister of Human Rights and despite the independent inquiries undertaken by the national fact-finding commission, there was a continuing need to monitor violations in that country. The impunity problem was particularly serious in West Papua, where such violations as the shooting of four people during peaceful protests, injuries inflicted on 165 others and the detention and torture by military and security personnel had led to no prosecutions, while five leaders of a non-violent flag-raising ceremony were currently on trial for rebellion. Even more disquieting was the formation of a pro-Indonesia militia, similar to those that had sown terror throughout East Timor. Her organization urged the Commission to call on the Indonesian Government to: ratify and implement the International Covenants on Civil and Political Rights and Economic,

Social and Cultural Rights; to establish judicial mechanisms based on international human rights law; to invite the Special Rapporteur on the independence of judges and lawyers to visit the country; and to end the cycle of impunity by prosecuting those responsible for grave human rights violations.

29. In China, there had been a dramatic deterioration in the human rights situation, including arbitrary detention, imprisonment on political and religious grounds, torture and ill-treatment of detainees and deprivation of the rights to freedom of expression and association. There had been no response to the May 1999 petition by 126 family members for an investigation into the murders of the victims of Tianmen. Her organization urged the members of the Commission to support the resolution on China and send a clear message to the Government that violations of human rights were not acceptable.

30. Mr. DERYA (North-South XXI) said that, although Turkey had signed United Nations human rights instruments, it was taking advantage of its geographical and strategic position to continue to deny the Kurdish nation of 40 million people the right to exist. Under article 312 of the law relating to freedom of thought and expression, political and social organizations were constantly faced with the threat of torture, disappearance and extrajudicial killing and were denied the right to an adequate legal defence. As a result of criticism by human rights organizations, the European Union and the United States, both the Turkish President and the head of the Turkish Grand National Assembly Commission for Human Rights had been obliged to admit that torture was still in use. Nevertheless, the former Chairman of the Human Rights Association of Turkey, Mr. Akin Birdal, had once more been sent back to prison. The cessation of armed struggle by the PKK provided a unique opportunity for the Turkish Government to change the law on constitutional citizenship, end the state of emergency and abolish the repressive State Security Courts, thus bringing about a solution of the Kurdish problem and paving the way for the development of the entire country.

31. Mr. WIRATMADINATA (Third World Movement against the Exploitation of Women) said that, while the perpetrators of extrajudicial, summary and arbitrary executions in Indonesia enjoyed impunity, under the specious plea that the military and police had to be able to shoot on sight in order to maintain security and defend themselves, victims' families were denied all restitution. Most executions were taking place in areas where there were demands for self-determination, such as West Papua and Aceh; in areas where there was communal conflict, such as the Moluccan Islands; and in urban areas, where alleged criminals were shot on the pretext of combating crime and maintaining order. In Aceh, there had been at least 502 cases of such executions in the period between August 1998 and February 2000, many of the victims being civilians in villages entered by the military in search of guerrilla fighters.

32. Attempts to seek justice had so far been unsuccessful owing to the weakness of legal institutions, persistent military influence and lack of cooperation by the authorities. Whatever changes there might have been at the central Government level, there had been no positive impact at the grass-roots level, where the military was still in charge.

33. His organization called on the Commission to urge the Indonesian Government to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia, particularly the conflict areas, in 2000; and to remind Indonesia of its undertaking to ratify the International Covenant on Civil and Political Rights, also in 2000.

34. Ms. GABRIEL (Aliran Kesedaran Negara-National Consciousness Movement) said that the violation of civil and political rights in Malaysia had intensified since the dismissal and arrest of the Deputy Prime Minister and Minister of Finance, Mr. Anwar Ibrahim, whose long-running trial had given rise to concerns about the impartiality of the judge and other irregularities, as shown by the recent report of the mission by the International Bar Association, the Commonwealth Lawyers' Association and the Union Internationale des Avocats. In order to protect the corporate interests of his family and friends in the wake of the East-Asian economic crisis, the Prime Minister, Mahathir Mohamad, had ordered the arrest of his Deputies and launched a series of repressive measures. Under the 1960 Internal Security Act, which was itself a gross violation of human rights, interrogation techniques originally employed against communist insurgents had continued to be used and such repressive laws as the Printing Presses and Publications Act, the Sedition Act and the Official Secrets Act were being also used to silence dissent. Freedom of assembly was restricted by the requirement of obtaining a police permit in advance and by the continuing ban on political rallies and the prohibition of political gatherings even in private houses. Prominent victims of such measures included the youth leader of the National Justice Party and the editor of Harakah, the official newspaper of the Islamic Party, which had also been obliged to reduce the frequency of its publication.

35. Ms. RISHMAWI (International Commission of Jurists), welcoming the general report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2000/61) and his report on his mission to Guatemala (E/CN.4/2000/61 and Add.1), said she was pleased to note that Belarus, Mexico, Saudi Arabia and South Africa had invited the Special Rapporteur to visit. The continuing need for his work was confirmed by the ICJ annual report, Attacks on Justice, which reported reprisals, including arrest, physical attack and torture, against at least 382 jurists in 40 countries in 1999, of which those in Colombia and Sri Lanka deserved special mention.

36. The right of defence was seriously undermined in Belarus and in Azerbaijan, and lawyers were harassed in Egypt, Peru, Sudan and Tunisia. The absence of an independent inquiry into the murders of two leading human rights lawyers in Northern Ireland was also a cause of deep concern, particularly because of the suggestion of possible collusion by the Royal Ulster Constabulary. The impunity enjoyed by State officials, particularly members of the military, in countries such as Guatemala and Mexico was a serious obstruction of justice, as were exceptional systems, such as the military courts empowered to try civilians in Egypt and the concealment of the identity of prosecution witnesses in the Colombian court system. Insecurity of tenure for judges threatened their independence, particularly in Peru, but also Ecuador, Guatemala and Mexico; and the partisan election of judges in some states of the United States of America could lead to the politicization of the judiciary. Her organization commended the Chief Justice and the score of judges in Pakistan who had refused to take a fresh oath of allegiance to the military-imposed Provisional Constitutional Order. Allegations of corruption and inefficiency had been used in some countries, for example Venezuela, as a pretext to attack the

judiciary and the dependence of Russian Federation courts on local funding increased the risk of improper political influence and prevented them from working efficiently when funding was inadequate.

37. The findings of a mission on behalf of four leading organizations of jurists, released on 5 April 2000, were that the independence of judges and lawyers was seriously threatened in Malaysia, as was the institutional autonomy of the Bar. The report also expressed serious concern about the fairness of the trial of the former Deputy Prime Minister and it documented the defamation proceedings against the Special Rapporteur on the independence of judges and lawyers. Her organization called on the Commission on Human Rights to take steps to ensure that Malaysia fulfilled its obligations under international law and urged it to stand firm against attempts to remove the Special Rapporteur from his mandate.

38. Mr. Jakubowski (Poland), Vice-Chairman, took the Chair.

39. Ms. DILEKÇI (Women's International Democratic Federation) said that, although Turkey was a signatory to several human rights instruments, it continued to be responsible for flagrant violations of those rights. Its authorities had admitted the use of torture and other forms of inhuman and degrading treatment and, at present, it held more than 10,000 political prisoners, the majority Kurds, including the former Member of Parliament Layla Zana. Women prisoners, of whom there were several thousand, were frequently subjected to torture, rape and sexual harassment. There had been hundreds of summary or arbitrary executions by the armed forces in the Kurdish regions of Turkey and hundreds of women, including minors, had been raped by so-called "village guardians". Demonstrations had been held by women's groups, for example the Saturday Mothers - whose weekly gatherings to seek information about the fate of their relatives had been prohibited by the Turkish authorities - and the Association of Mothers for Peace, in which both Kurdish and Turkish women participated, but an attempt to convene an international conference of women for peace in Istanbul had met with an absolute ban.

40. Her organization called on the Turkish Government to bring its Constitution into line with the international conventions and covenants it had ratified and thus solve the Kurdish problem, which was a major obstacle to the democratization of the country and to women's rights.

41. Mr. MÉNARD (Reporters without Borders International) said that, in Tunisia, censorship was a basic constituent of the police State established by President Ben Ali and any criticism of the regime was forbidden. Information was managed directly by the Prime Minister's Office and all institutions that might exert a counterpoise to the regime - the judiciary, Parliament, associations, trade unions, political parties, the university, and, of course, the press - were kept under systematic scrutiny. The grant of copyright and the registration of publications had been turned into a form of pre-emptive censorship; a post office code adopted in May 1999 prohibited all mail threatening public order and national security; self-censorship was the watchword in editorial offices; and all issues of dailies carried a photograph of the President on the first page. During the October 1999 presidential and parliamentary election campaign, all the doings of the President had been reported in the media, while not a word had been said for two months about opposition candidates. The foreign press was strictly controlled and all liberal French newspapers banned. Control and supervision extended to telephones and the Internet. Two

Islamist journalists had been imprisoned since 1992 under extremely harsh conditions and Taoufik Ben Brick, the correspondent of the French daily La Croix had been harassed, kept under police surveillance and had his passport confiscated. The reason for the press self-censorship, "deplored" by the President on 15 November 1999, was in fact the intimidation, harassment, fear and corruption prevailing in his country.

42. Ms. PELZOM (Rural Reconstruction Nepal) said that, in Bhutan, citizens were still denied fundamental human rights and freedoms, including the right to vote, as confirmed by the United States State Department's Country Reports for 1999, which also mentioned the absence of a written Constitution to protect fundamental political and human rights. There were currently over 100,000 southern Bhutanese refugees living in camps in eastern Nepal after expulsion for participation in peaceful demonstrations and the people of eastern Bhutan had also undergone arrest, torture and imprisonment under the National Security Act. On the religious front, the followers of the Nyingmapa sect of Mahayana Buddhism had been similarly ill-treated and hundreds of monks were being detained in various prisons throughout the country. Another case of particular concern was that of Mr. Dorji, Chairman of the Druk National Congress, who was currently on bail in India, but whom the Bhutanese Government was attempting to extradite as a political dissident. Her organization called for the immediate withdrawal of the extradition application and the release of Mr. Dorji as an advocate of democracy and human rights. The judiciary in Bhutan was not independent; there were no lawyers in its courts and judges had seldom attended a law school; they were appointed by the King and remained in office at his pleasure. Her organization called on the Government of Bhutan, which was a member of the Commission, to respect the civil and political rights of its citizens and adopt a written constitution allowing political pluralism.

43. The human rights situation in Malaysia was fast becoming a mockery of the rule of law. Since the submission of the report on Malaysia (E/CN.4/1999/64/Add.1) by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the situation had deteriorated. In May 1999, the Attorney-General had threatened to charge critics of judicial independence and selective prosecution with sedition or criminal defamation and, in November 1999, the Malaysian Bar Council had been prevented from calling an extraordinary meeting to discuss declining confidence in the judiciary, on the grounds that the meeting would constitute contempt of court and sedition. In 2000, there had been bitter attacks on opposition media and both the editor of Harakah, the most popular biweekly newspaper of the opposition party PAS, and the owner of the printing company had been arrested and charged under the Sedition Act. A defence lawyer had also been charged for uttering "seditious" words in the course of his duty as Anwar Ibrahim's counsel.

44. In view of so many human rights concerns in Malaysia, including police brutality, harassment of NGO activists, students and opposition parties, extrajudicial killings by the police and torture of detainees, she urged the Commission to remind the Malaysian Government of its duty to ensure that all human rights without exception were protected.

45. Mr. SISSON (International Fellowship of Reconciliation) said that, although public attention had focused on the repression of the Falun Gong sect, restrictions on religious freedom had long been practised by the Chinese Government in Tibet, where almost 80 per cent of the more than 600 political prisoners were clergy. The reality of that situation had recently been attested by two prominent religious authorities who had fled Tibet: the Abbot of Kumbum monastery, one of the most important in the country, and the 17th Gyalwa Karmapa, the third most important figure in Tibetan Buddhism. Concerns about restrictions on the right to freedom of religious belief and practice had also been raised in the report by the Special Rapporteur on religious intolerance (E/CN.4/1995/91) on his 1994 visit to China. He had, inter alia, mentioned the denial of the right of young people under the age of 18 to receive religious education, which was contrary to article 14 of the Convention on the Rights of the Child, ratified by China in 1992, and had called for the immediate release of members of religious orders imprisoned for "counter-revolutionary acts". Since that time, manifestations of religious intolerance, which the Special Rapporteur had seen as "arbitrary", had become widespread and systematic. The national "Strike Hard" campaign launched in 1996, ostensibly to combat crime and corruption, had been used in Tibet against those supporting independence and professing allegiance to the Dalai Lama. "Work teams" had been sent to monasteries and convents to "re-educate" monks and nuns. In practice, that meant persuading them to adopt Chinese socialist ideas in preference to traditional Tibetan Buddhist teachings and requiring them to sign a five-point political pledge denouncing the Dalai Lama, opposing Tibetan independence and recognizing the authority of the Chinese Government.

46. That campaign was a serious infringement of the right to religious freedom as upheld by article 18 of the Universal Declaration and article 15 of the International Covenant on Civil and Political Rights, to which China had become a party in October 1998. His organization called on the Commission to request China to agree to a follow-up visit by the Special Rapporteur, in particular enabling him to visit the eleventh Panchen Lama, designated by the Dalai Lama, and held incommunicado since May 1995 - making him, at the age of 11, the world's youngest political prisoner; and to support a resolution condemning the Chinese Government for its systematic violations of human rights in Tibet, particularly the right to freedom of expression and religious belief.

47. Ms. LE TALLEC (International Federation of Action of Christians for the Abolition of Torture) said that her organization was deeply concerned about the practice of torture and arbitrary detention in the Democratic Republic of the Congo. The war situation had resulted in atrocities committed against civilians both in the part of the country under government control and in that occupied by foreign troops allied with the rebels. In the former, numerous human rights defenders, journalists, clergymen, leaders of political parties and ex-members of the Zaire armed forces had been detained without trial, while, in the latter, the practice of torture and arbitrary arrest was even more shocking and included mutilation and murder. Her organization called on the Commission to condemn practices destructive of human dignity and to require the conflicting parties to respect the physical and moral integrity of arrested persons.

48. Mr. LEBLANC (Franciscans International), speaking also on behalf of Dominicans for Justice and Peace, said that religious intolerance was at the root of a number of conflicts in many parts of the world and religious minorities were increasingly the targets of bigotry, often instigated by extremist forces. The Special Rapporteur on religious intolerance had drawn attention to the need to review legislation in order to foster a culture of tolerance, but, in countries where religious discrimination was systemic, concerted action by the international community was required. In Pakistan, for example, the separate electoral roll for religious minorities and blasphemy laws 295B and C of the Penal Code actively promoted a culture of intolerance and cut off citizens belonging to minority religious groups from the mainstream of national political life. His organization considered the system of separate electorates to be in violation of articles 2 and 21 of the Universal Declaration of Human Rights and of articles 25 and 26 of the International Covenant on Civil and Political Rights.

49. The right to freedom of expression was stated in that Covenant to include the right to receive and impart information and ideas of all kinds, regardless of frontiers, but, in his report, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2000/63) had expressed his dismay at the contents of the communications received, which clearly indicated that such rights were violated as a matter of routine in States with widely different political systems. The fact that 91 teachers had been killed in Colombia in 1999 and that 3 out of every 5 trade union leaders killed were from that country made it clearly desirable for the Special Rapporteur to report to the Commission on the situation in Colombia.

50. Mr. MOFFITT (International Human Rights Law Group) said that statistics on action by the police, sentencing, incarceration and application of the death penalty in the United States of America showed an unmistakable pattern of bias against people of colour. The case of an innocent black man, Amadou Diallo, gunned down by four members of the Street Crimes Unit of the New York Police Department - who had all subsequently been acquitted of all charges - was emblematic of the presumption of guilt without evidence of criminal conduct that had become endemic throughout the country. The same pattern was found in the percentage of motorists whose vehicles were stopped and searched. As to incarceration, black men, although constituting only 6 per cent of the population, made up 50 per cent of those in prison, with the further consequence that, as of 1998, 1.4 million blacks had been deprived of their right to vote or hold political office. Similarly, about 90 per cent of those whom federal prosecutors sought to execute were black or Latino and, since 1976, more than 80 per cent of those executed had been convicted of killing whites, although people of colour comprised more than half of all homicide victims. Over the past 50 years, slavery and formal apartheid had been replaced by racial discrimination, and that was reflected in the fact that, although the United States had ratified the International Convention on the Elimination of Racial Discrimination in 1994, the Government had as yet failed to submit a report to the Committee on the Elimination of Racial Discrimination, which was responsible for monitoring compliance with the Convention.

51. His organization urged the Commission to call on the United States Government to honour its obligations under the Convention on the Elimination of Racial Discrimination and other human rights treaties, withdraw reservations and submit timely and accurate reports; to examine the evidence of racial discrimination in the United States criminal justice system; and to include that issue as an item on the agenda of the World Conference Against Racism.

Statements in exercise of the right of reply

52. Mr. NETO (Observer for Angola), replying to the comments on freedom of expression in Angola made by the representative of the International Federation of Journalists at the 29th meeting, said that, while article 32 of the Constitution of the Republic of Angola guaranteed freedom of expression to all citizens, that did not mean that a journalist could use that freedom to defame or insult other people; any such action was punishable under Angolan law. The limit of personal freedoms was where they encroached that of other citizens. Article 19 of the International Covenant on Civil and Political Rights recognized that limit in specifying that freedom of expression was subject to "respect of the rights or reputations of others". The International Federation of Journalists had referred to the case of Rafael Marques, a journalist who had insulted and defamed the President of the Republic of Angola. He should have been aware that laws had to be respected by all citizens, including journalists. In referring matters relating to article 19 of the Covenant to the courts, the Republic of Angola had demonstrated its profound respect for democracy by recognizing that the law took precedence over political considerations.

53. Mr. OGURTSOV (Observer for Belarus), replying to allegations against his country made by the representative of the International League for Human Rights, said that, in all countries, oppositions were unhappy not to be in power, but it had been left for the Belarusian opposition to air its discontent in international forums through a spokesman masquerading as the representative of an NGO. His delegation had already described at length the measures taken to ensure compliance with the International Covenant on Civil and Political Rights. As to freedom of the press, in the first quarter of 2000, some 1,090 periodicals had been registered, only 200 of which were State publications. It was a fact of life that some publications closed down when they failed to keep up with the competition, but that was certainly not to be attributed to malfeasance on the part of the Belarusian authorities. As to freedom of movement, members of the opposition had been able to go abroad without restriction, pursue their anti-government activities there and then quietly return home. His delegation had indeed stated that some 200 people had been arrested for failing to comply with police requirements, but, once reporters had shown their credentials, they had received an apology and had been released. As to disappearances, a supposed missing person had eventually turned out to be in a western country from which he was making bitter attacks on the Belarusian Government. That was the way people "vanished" in Belarus. His Government had invited the High Commissioner for Human Rights and the Special Rapporteur on the independence of the judiciary to visit the country, to talk to people and to see the situation for themselves. He could assure the Commission in advance that what they discovered would bear no resemblance to the allegations by the representative of the NGO.

54. Mr. AL-ERYANI (Observer for Yemen), replying to comments made by the representative of Liberation, said that, in Yemen, the National Assembly, which represented a range of political opinions that enjoyed popular support, was the only body empowered to discuss and adopt laws. The Consultative Council, on the other hand, was appointed by all political parties; its role was purely advisory and its comments did not have binding force. The representative of Liberation had stated that the National Committee for Human Rights was dominated by certain members, but had failed to mention that the memberships included the Deputy Prime Minister, the Minister for Foreign Affairs, who was the President of the

Committee, and the Ministers of Justice, Labour and Social Security. The membership of the Committee had been established at a very high level in order to ensure that national laws were in conformity with the International Covenant on Civil and Political Rights. The representative of Liberation had also failed to mention the adoption of an amnesty law by the Government and the programme of economic and social reforms launched in 1995, the success of which was recognized by international organizations, including the International Monetary Fund and the World Bank. The Government had also initiated a programme of administrative and judicial reform. Constitutional reform were the task of elected bodies, which were alone qualified to establish the necessity for them.

The meeting rose at 9 p.m.